

HANDBOOK

for

DEVELOPING, IMPLEMENTING,
and ADMINISTERING
LOCAL PROGRAMS TO ADDRESS
DOMESTIC VIOLENCE
INVOLVING
LAW ENFORCEMENT PERSONNEL

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Introduction

INTRODUCTION

On April 25, 2003, a news story, in the *Seattle Post-Intelligencer* revealed that Crystal Brame, wife of the city of Tacoma police Chief David Brame, was seeking a divorce. The article reported that in her divorce papers, Crystal Brame described several incidents of domestic violence that included David Brame choking her and pointing his service revolver at her. When questioned about the allegations of domestic violence, this same article noted that the Tacoma city manager said “He’s doing a great job, I’m not interested in exploring David’s personal life at this time” and Tacoma’s mayor was reported to have expressed surprised at the allegations but reportedly called them a “private matter.” Later media coverage reported that some Tacoma city officials said they had recently discussed with other city officials the removal of David Brame’s city issued service weapon – but that never happened.

The next day, Saturday afternoon, April 26, 2003, Crystal Brame was shot in the head in a grocery store parking lot by her husband, David Brame, Chief of Police for the city of Tacoma, Washington. Their two young children were in their mother’s car in the parking lot at the time of the shooting. After shooting his wife, David Brame then turned the gun on himself. Crystal Brame died a week later. David Brame died at the scene.

While this handbook was being developed, Tacoma city officials and law enforcement were undergoing investigation by both federal and state agencies. At the same time the public was questioning Tacoma’s policies and practices for responding to victims and perpetrators of domestic violence involving law enforcement. For example, prior to the divorce action, Crystal Brame placed a 911 call asking for assistance but no one made a written report documenting any law enforcement investigation or response to this citizen report of domestic violence. There are continuing questions surrounding how this 911 call was handled by Tacoma law enforcement.

Crystal Brame tried to seek help from the civil and criminal justice systems. These systems failed to respond or intervene in any meaningful way to help prevent further violence or provide for the safety of Crystal and her children. Something must be done to address these gaps in the system. Law enforcement and the community must be involved in this process. There must be accountability to victims of domestic violence. Law enforcement organizations need to develop policy and implement practices and programs designed to proactively address domestic violence involving law enforcement personnel. Such practices and programs are a critical step in supporting victim safety, building community trust and creating a culture within law enforcement that encourages victims to disclose abuse and requires law enforcement to consistently hold it’s own accountable.

Domestic violence, including domestic violence in police families, is a national issue. In fact, national studies indicate that domestic violence is more common in police families than in the general population. Information from a number of general studies reveal that, on average, 15% of persons in the general population have experienced domestic violence defined as intimate partner physical assault.¹ One study focusing on families indicates that 10% of families in the general population experience domestic violence.² However, when studies focus on police families the numbers increase. Two such studies indicate that 40-41% of police families experience domestic violence.^{3 4} Another study that included only experienced officers, found a rate of 24%.⁵

Law enforcement officers are charged with protecting the public from harm by enforcing domestic violence laws. The public includes police families and the harm is sometimes caused by law enforcement personnel. This handbook has been developed as a resource for state and local law enforcement agencies to help develop, implement, and administer policies and protocols for addressing domestic violence involving law enforcement personnel.

This handbook is divided into three sections. The **first section** is entitled **Case Studies** and contains a paper entitled *Important Considerations for Development, Implementation and Administration of Law Enforcement Personnel Domestic Violence Programs* along with *Case Studies*, and sample *Policies*, from three existing successful programs. Each case study discusses the process by which the law enforcement agency developed and implemented its program and describes how each program works. The wide variety of programs and processes illustrate the fact that there are many ways to approach the problem of domestic violence involving law enforcement. Each program needs to be tailored to the community it serves. The experiences of other agencies will provide encouragement and ideas for Washington State law enforcement agencies when developing, implementing, and administering their own programs.

The **first section** also includes a paper entitled *Special Considerations for Small Jurisdictions* with additional suggestions for small police departments along with a *Sample Policy* from a small Washington State police department. Several Washington jurisdictions contributed to this section. Their examples and suggestions will provide guidance for small law enforcement agencies as they strive to apply the principles discussed in the *Important Considerations* paper.

The **second section** contains **Protocols** for conducting **Praxis Safety and Accountability Audits** and **Fatality Reviews**. These protocols are useful tools for analyzing and improving responses to incidents of domestic violence. Also included is the *Executive Summary* of “*Tell the World What Happened to Me*,” with findings from a recent statewide Washington Fatality Review Project conducted by the Washington State Coalition Against Domestic Violence. This summary illustrates the value of these tools.

The **third section** contains information from the **International Association of Chiefs of Police (IACP)**. The *IACP Concept and Issues Paper* is offered in support of the *IACP Policy*. An *IACP Implementation Chart* is provided with the *IACP policy*. The *IACP policy* may serve as a reference for drafting policies designed to implement and administer local programs. Agency executives must tailor all policies and protocols to fit their particular organization and the community it serves.

The **fourth section** contains additional **Resources**, including published materials, websites, and contact persons in the law enforcement agencies reviewed or mentioned in this handbook. Biographies of some contributors are included.

These materials are tools to use when taking the first steps toward building community trust, offering options for victims of law enforcement domestic violence, and providing employee services designed to intervene and prevent the violence before it escalates. We trust that after reviewing these materials, law enforcement agencies will develop and implement their own

individualized programs for responding to domestic violence involving law enforcement personnel both within their jurisdiction and, when appropriate, at the request of other jurisdictions. We hope these resources will also encourage law enforcement agencies, other government agencies and community organizations to engage in continuing constructive dialogue with each other about how to best protect victims of domestic violence and hold abusers accountable for their actions.

¹ Tjaden, P. & Thoennes, N. (2000). *Extent, Nature, and Consequences of Intimate Partner Violence: Findings From the National Violence Against Women Survey*, p. 13.

² Straus, M. & Gelles, R. (1990). *Physical violence in American families – risk factors and adaptation to violence in 8,145 families*. New Brunswick, NJ: Transaction Publishers.

³ Johnson, L.b. (1991). *On the front lines: Police stress and family well-being*. Hearing before the Select Committee on Children, Youth, and Families House of Representatives: 102 Congress First Session May 20 (p. 32-48). Washington D.C.: US Government Printing Office.

⁴ Neidig, P. H., Russell, H.E. & Seng, A.F. (1992). Interspousal aggression in law enforcement families: A preliminary investigation. *Police Studies*, Vol. 15 (1), p. 30-38.

⁵ P.H. Neidig, A.F. Seng, and H.E. Russell, "Interspousal Aggression in Law Enforcement Personnel Attending the FOP Biennial Conference," *National FOP Journal*. Fall/Winter 1992.

Important Considerations

IMPORTANT CONSIDERATIONS
for
DEVELOPMENT, IMPLEMENTATION and ADMINISTRATION
of
LAW ENFORCEMENT PERSONNEL
DOMESTIC VIOLENCE PROGRAMS

Development

There is no magic formula for development, implementation and administration of domestic violence programs for law enforcement personnel. Each community must assess its own needs and develop a program that fits those needs. Programs can be developed for communities which consist of one jurisdiction or several jurisdictions working together. Sometimes it is advisable for several jurisdictions to develop a joint program in order to share resources and create consistency in the local community. Regardless of how each community defines itself, there are a number of steps important to the proper development of a domestic violence program for law enforcement personnel.

First, the community should organize a committee of stakeholders. The stakeholder committee should meet on a regular basis to design and develop a program suitable for the local community. The stakeholder committee can be called a task force, a committee, a study group, or any title that adequately describes the purpose of the group. It will be referred to as a task force for purposes of this discussion.

The task force should include at least one stakeholder from as many of the following segments of the community as possible: law enforcement, prosecution, judiciary, community based victim advocate organizations, community service organizations, domestic violence survivors, medical, educational, probation and parole, police union, and county and/or city government. If the community has one or more victim advocates associated with a governmental agency, the task force should include at least one governmental advocate as well as at least one victim advocate who is *not* associated with a governmental agency.

After the task force is established, it should first hold a meeting to set goals and priorities. All goals and priorities should be established by agreement of all task force members. Some examples of goals and priorities are as follows: Victim safety, public trust and confidence, violence prevention, early intervention, batterer accountability, governmental liability, and equal treatment for all victims regardless of the abuser's identity. This list is only an example of possible goals and priorities. It is very important for the task force to brainstorm these issues and come up with its own individualized goals and priorities which are suitable for the community it represents.

The task force should also develop a mission statement. Examples of items which can be included in the mission statement are: (1) Our mission is to ensure that victims of police domestic violence are entitled to the same legal, constitutional, and civil rights as all other victims in our community; (2) victim safety is the number one priority of any domestic violence

program and this community recognizes that special steps must be taken to provide an extra level of safety for victims of police domestic violence because their batterers, like others who work within the legal system, know how to manipulate the system. Again, it is extremely important that all members of the task force work together to develop the mission statement and that all members agree on the final mission statement.

Before recommending the necessary changes to establish a domestic violence program for law enforcement personnel, the task force needs to study all existing laws and policies that apply to domestic violence in Washington State, the local community, and the local law enforcement agency or agencies. It is important to see what already exists before developing policies, protocols, directives, and/or orders to implement the new program. Ask the local Police Chief or Sheriff to collect department policies on domestic violence. Then request a meeting to review those policies and inquire about other general procedure the department is already following. It is important to know and understand the current approach before proposing changes and additions.

All members of the task force must understand and stay focused on their individual role in the task force. Members must maintain their perspective when drafting policies, protocols, procedures and orders. Remember that victims need representatives from all parts of the community at the table providing clear input and representing their unique perspective. Diverse experience and perspective is important to developing a program that will best serve the needs of victims, law enforcement, government and the community at large. That is why the task force includes members from many segments of the community.

Implementation

The core element in implementation must always be training and should include various other strategies designed to raise awareness. All stakeholder groups should be informed about the primary aspects of the new program. Stakeholder groups should also be provided with copies of all new policies, and should have access to all other documentation describing or relating to the new program. The purpose is to raise awareness within all stakeholder groups about the community's new program for dealing with domestic violence by law enforcement personnel so the entire community can benefit from the new program.

There should also be an established training program targeting as many stakeholder groups as possible but at least law enforcement personnel, 911 dispatchers, prosecution, judiciary, probation and parole, local government (especially if the chief law enforcement official is appointed by local government), and victim advocates, both governmental and non-governmental. Training should consist of generalized awareness training regarding power and control dynamics in domestic relationships. A portion of the training should be specifically designed to address the nuances of domestic violence by law enforcement personnel. Training should further cover all aspects of the new program. During training, all trainees should receive and be trained on any written policies, protocols, directives, and/or orders related to the new program.

Training for law enforcement personnel should be intensive at the start of the program and should include refresher training at least annually. All law enforcement personnel, both sworn and non-sworn should be trained. Sworn personnel should receive mandatory training at roll call, in-service training, shift briefings, and in any other situation where officer attendance is required.

Non-sworn personnel, including clerical staff, communications personnel, and anyone else who may interact with victims or perpetrators should be trained in proper protocol for such situations. Nine-one-one (911) dispatchers should be similarly trained. Personnel and dispatchers should know what to say when a victim calls. For instance, when a victim calls, personnel should be trained to immediately advise the victim of the agency's mandatory reporting requirement and offer to refer the victim to a victims advocate organization unrelated to government so the victim may speak in confidence. Personnel and dispatchers should also be trained in victim dynamics and safety concerns surrounding matters of domestic violence.

Training for all personnel should emphasize new expectations and requirements. Training must be clear in defining, describing and emphasizing all actions or failures to act that could result in disciplinary action under the new program. For instance, after attending training and if it is a requirement, personnel should clearly and unequivocally understand that if they find out an officer has been *arrested* in *any* jurisdiction for a domestic violence crime, whether felony or misdemeanor, they must report this arrest or they will be subject to disciplinary action. Personnel should also know, without doubt, to whom they are required to report the arrest. This type of understanding by personnel is vital to the success of any policy, protocol or program.

At least some of the training should include intimate partners and families of law enforcement personnel. One way to accomplish this would be to have a family day during the police academy to include intimate partners, spouses and other family members. Family training could include explaining what the job is all about, explaining about family issues and domestic violence and letting the attendees know that the agency takes domestic violence involving its personnel very seriously. Intimate partners and families should be educated about agency policies and programs for dealing with domestic violence situations involving agency personnel.

It is important for intimate partners and families to be given an agency phone number and contact person, as well as contact information for a local community-based victim advocate specifically trained in and/or designated to take calls from victims of law enforcement domestic violence. They should also be given the statewide domestic violence hotline number. It is important for them to understand that by contacting outside entities their information will be and remain confidential unless a court later compels testimony about the conversation. In addition, if the law enforcement agency's program includes advocates who are employed by the agency, it is critical for intimate partners and families to understand the internal limits on confidentiality for any information conveyed to the agency's victim advocate.

Another way to convey information to potential victims of law enforcement domestic violence is to mail flyers or brochures to intimate partners and families of personnel. These brochures can cover a number of issues like confidentiality issues, specific challenges related to police work, how shift work effects families, keeping the family grounded, domestic violence, and a list of

services offered by the agency and in the community to assist intimate partners and families dealing with these issues. The brochures could also be made available in courthouse lobbies and provided to courthouse staff as well as community organizations which deal with divorce, domestic violence, and other intimate partner and family related issues.

Training can also be used as a way to build relationships between and among the various stakeholder groups. It is very important that local community organizations that provide services to victims and potential victims, including victim advocate organizations, receive some training together with the legal community, including law enforcement, judiciary, probation and parole, and prosecution. Respect, partnership, cooperation, and collaboration among these groups are vital to the success of any law enforcement domestic violence program.

Administration

Because every law enforcement personnel domestic violence program must be designed to fit the community it serves and law enforcement agencies within that community, it is impossible to describe an ideal program. However, communities that have already developed such programs recommend certain key elements be included if possible, recognizing that smaller jurisdictions and communities may not have adequate personnel and resources to administer a comprehensive program without help. Agencies with limited resources are encouraged to collaborate with other agencies. This will help alleviate resource concerns and allow small jurisdictions to provide a higher level of protection to the public.

The following is a list of components that all jurisdictions should at least consider when designing their law enforcement personnel domestic violence program. This is not a comprehensive list of components but includes most key components from existing successful programs. Case studies of three existing programs are included in this handbook. Along with those case studies is a contact person so that additional information may be obtained if your community is considering a program with similar components.

Key Components:

1. All incidents of domestic violence involving law enforcement personnel in which there is **probable cause** to believe that a **crime** has been committed must be investigated, documented, and prosecuted with the same diligence as those cases involving non-law enforcement personnel.
2. All incidents of domestic violence involving law enforcement personnel, whether **criminal or not**, must be investigated and documented as an administrative matter with the perpetrator being potentially subject to corrective or disciplinary action, as appropriate.
3. All incidents of domestic violence involving law enforcement personnel, that involve **criminal activity**, should be **investigated both criminally and administratively**. Each investigation should follow a separate track and be

handled by a separate investigator. The criminal matter should be investigated by the same unit that handles all criminal domestic violence investigations for the agency (or the same unit in a neighboring agency), while the administrative investigation should be conducted by the unit (in the local or a neighboring agency) that handles all administrative investigations, usually the internal affairs unit. The administrative investigator should get involved early, even responding to the scene if possible, in order to lay a solid foundation for the future administrative investigation. **Procedural issues** often arise during concurrent criminal and administrative investigations. One caution in this regard: if the administrative investigator interviews the subject of the investigation prior to the criminal matter being closed, the subject should be read his *Miranda* rights prior to the interview. If this is not done, evidentiary problems could arise in the criminal trial. Procedural requirements, such as this, should be reviewed and approved by an attorney during development of the program. **Referral** of the completed criminal investigation **to the prosecutor's office** should contain, in addition to the standard investigative materials, sufficient information for the prosecuting attorney to make an appropriate assignment or referral decision. This should include information about the subject's position within the agency as well as other matters pertinent to assignment or referral. In some situations the prosecutor may need to refer the case to an outside jurisdiction for prosecution.

4. Any sworn officer who is the subject of a **domestic violence complaint, criminal or administrative**, should be relieved of the assigned service weapon. The agency should also seriously consider placing the subject on administrative leave, especially when the complaint is criminal. Neighboring small jurisdictions can enter into joint contingency agreements providing for coverage when an officer is on administrative leave. If coverage cannot be obtained or administrative leave is not option, the subject officer should be assigned desk duty, and at the very least flagged so that the officer will not be allowed to respond to any domestic violence calls. The latter two options should only be used when necessary, for instance in small jurisdictions where removing the officer completely from service would cause extreme hardship due to limited resources or personnel. **Whenever possible, the victim should be notified before action is taken.** This is to allow time for the victim to plan for her and her children's safety and other possible concerns such as financial consequences or further abuse.
5. **All law enforcement personnel** should be **required to report** all incidents of domestic violence involving law enforcement personnel as soon as they become aware of the incident. Personnel should be required to report to a supervisor at least one level above the subject of the report. Mandatory reporting should include non-criminal misconduct such as verbal abuse in work related situations. This gives the agency an opportunity for early intervention and possible prevention of escalating violent behavior. In order for mandatory reporting or any mandatory requirement to be effective, conduct subject to the requirement must be clearly defined in the program documentation and consequences must exist for failure to report or failure to otherwise follow mandatory requirements. Possible

consequences for failure to report should also be clearly delineated in the program documentation.

6. Any time a **sworn officer** is **arrested** for a domestic violence incident, the badge and any other department-owned symbol of police authority should be taken, including all department-owned weapons. Other weapons should be removed from the residence, if possible. Arrangements should also be made for jail segregation to protect the officer from retaliation. Recommendations contained in Consideration Number Four (4) also apply to officer arrests. Please refer to number 4, above.
7. A **supervisor** at least one level above the subject of any domestic violence investigation should be **required to respond** to all incidents of domestic violence involving law enforcement personnel. This supervisor should then take charge of the investigation. This does not have to be the direct supervisor of subject of the investigation and will usually be the supervisor on duty at the time. However, the subject's supervisor should also always be notified even if the subject is employed by another law enforcement agency.
8. One **unit**, or at least one **officer**, should be assigned **solely to conduct investigations of domestic violence incidents** involving law enforcement personnel. In smaller jurisdictions where this is not feasible, this can be handled by the established domestic violence unit or by at least one detective who receives special intensive training about domestic violence in general, including enforcement and victim safety, as well as specific training to address the nuances of law enforcement domestic violence. Cooperative agreements between agencies can also be established to ensure that at least one officer in the local jurisdiction has the necessary training and knowledge. State and local victim advocate organizations can provide information about how to access training.
9. Because confidentiality is vital to victim safety, **victims seeking to report** incidents of domestic violence involving agency personnel should be immediately advised by the employee taking the report that he or she will be required to give the report to a superior, as mandated by agency policy. If the victim chooses to reveal no further details, the agency should always refer the victim to an independent advocate, even when the victim does not request a referral. The **independent advocate** must be someone the victim can talk with **confidentially and/or anonymously, such as a volunteer or employee of a community-based victim program that is completely separate from any governmental organization**. The victim may decide to further disclose information at some point or a court may compel disclosure in future legal proceedings. However victims in emergent situations often need to talk with someone who can help them assess their personal situation, examine all of their options, and decide the best course of action to ensure personal and family safety. The community program chosen by the agency for this purpose should have someone available 24 hours per day, at least by phone.

10. There must be **someone available**, or at least on call, **24 hours per day to take calls** involving law enforcement domestic violence. This person should be trained in the proper protocol for handling such calls and be familiar with local confidential community based resources for victims, as well as the statewide domestic violence hotline. This person can be a specially trained 911 dispatcher.
11. Every **victim**, whether the complaint is being investigated criminally or administratively, should be **given contact** information for at least one **person** within the department whom the victim can call for **information about the status** of the investigation. The contact person should make a concerted effort to notify the victim of any critical events in the investigation. The contact person should also ensure that the victim has copies of all policies, and other documentation regarding the agency's domestic violence program so the victim can easily and knowledgeably utilize the services available. Translations in other languages should be available and provided when necessary. The contact person may need to refer the victim to a translation service or a bi-lingual advocacy organization. In addition to in-house and translation services, all victims should be informed of available confidential community based domestic violence services and the agency contact person should facilitate connection with these services on behalf of the victim, if requested.
12. A procedure should also be in place for reporting **any abuse of authority** by the alleged perpetrator, or anyone who appears to be aiding and abetting the alleged perpetrator. This includes reports of stalking, harassment, surveillance activities, and any witness intimidation tactics. There should be potential disciplinary consequences for participation in such activity and for failure to report such activity or participation after having become aware of it.
13. It is advisable for law enforcement agencies to have **agreements with surrounding jurisdictions** regarding at least two circumstances in which they can help each other. First, they should agree to report any domestic violence incidents by the other jurisdiction's personnel to the employing jurisdiction. Second, they should agree to accept responsibility for investigating and prosecuting cases against high profile personnel of the other jurisdiction upon request. If an agency's current policy requires that all criminal investigations of officers be referred to another jurisdiction, that policy should be applied equally to officers charged with domestic violence crimes.
14. Law enforcement should have **strategic alliances** with community based domestic violence victim services to assist in providing confidential services and advocacy to victims. The community based domestic violence victim agency should function independently of the law enforcement agency.

Thanks to the following individuals for their valuable input:

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Clark County Sheriff's Office Case Study

CASE STUDY

CLARK COUNTY SHERIFF'S OFFICE

Clark County, Washington

Development

On January 1, 1999, recognizing domestic violence victims need a single point of contact in his office, the Clark County Sheriff's Office created the Domestic Violence Intervention Unit (DVIU) with the financial support of a short term \$187,500 grant from the Office of Community Oriented Policing Services (COPS). Detective Bill Roberts was appointed to handle all domestic violence investigations and to serve as this point of contact. Within a short time after it began, two Clark County Deputy Sheriffs were involved in domestic violence incidents requiring response by the Sheriff's Office. Although neither incident involved criminal activity, the department was called to the deputies' homes based on neighbor reports of loud voices and arguing.

The Clark County Sheriff's Office quickly learned that it is much more difficult to handle domestic violence incident reports involving one of their own officers. The office examined the situation, looked at applicable laws including handgun laws, reviewed policies and decided to proactively address the issue. Because Detective Roberts had identified the development of a comprehensive policy as one of the COPS Grant goals, he started to research materials on law enforcement personnel domestic violence and to develop policies and procedures for the Clark County Sheriff's Office to follow when responding to domestic violence incidents involving its personnel.

The department also recognized that victims of law enforcement batterers tend to experience increased hopelessness because they have to ask for help from the very department that employs their abuser. Furthermore, the vulnerability of law enforcement victims appeared to be exacerbated by the fact that their batterers are trained in the use of force without signs of injury, trained in control techniques and trained in other ways that increase danger for the victim. The department also recognized that there is a direct correlation between the way they handled law enforcement domestic violence and the way the community perceives as them as enforcers of the law.

At the time he was asked to develop a law enforcement domestic violence policy, Detective Roberts was already a member of the community's general Domestic Violence Task Force. Task force members came from law enforcement, the judiciary, medical professions, educational institutions, community service organizations including victim advocacy groups, and the prosecutor's office. Rather than form a new group of stakeholders, Detective Roberts used the experience and expertise of the existing Domestic Violence Task Force to assist him in drafting the new policy.

One of the principal community service organizations represented on the task force is the local YWCA. The director of Safechoice, a YWCA victim advocacy and safety program, was a key source of information and directly assisted Detective Roberts in drafting the policy. After the

policy was drafted, it was reviewed by management all the way up to the Sheriff, who provided his input and approved the final draft on January 23, 2001.

Implementation

As soon as the Sheriff signed the policy, each employee received a written directive requiring the employee to read the policy and send back a receipt verifying that they read and understood the policy. Then all department personnel were required to receive initial training on the policy. Refresher training is also conducted using several different methods at least annually. Training takes place at roll call, during in-service training, during shift briefings, and at voluntary seminars. The first three methods for providing training are mandatory for all sworn personnel. In addition the policy is distributed to families of all new employees upon hiring.

The department also ensured that the community was aware of their new policy and program for victims of law enforcement domestic violence. Information about the new policy was posted on the department's website and all victim advocate and community service organizations were provided with copies of the policy.

The Clark County Sheriff's Office believes one of the key factors for increasing community and police family awareness of this policy stems from the fact that the department takes this issue seriously. This attitude is reflected in the department's culture. When people see and experience this culture, they feel comfortable coming forward with domestic violence issues.

How It Works

A copy of the Clark County policy entitled "Sheriff's Office Personnel Involvement in Domestic Violence Incidents" is contained in this handbook immediately following this case study. The policy is comprehensive and describes much of the program in detail. The policy applies whenever the victim or abuser is law enforcement. This discussion will touch on some key factors of the policy and program. Reading the policy is recommended.

Structurally the program works like this. One detective, Bill Roberts, is assigned as head of DVIU and handles all domestic violence criminal cases for the Sheriff's Office. As head of DVIU, Detective Roberts also handles all domestic violence criminal cases involving department personnel. Administrative investigations are referred to internal affairs.

Under department policy, Detective Roberts serves as the principal contact for the victim. In that capacity, Detective Roberts answers any questions the victim has regarding the criminal investigation and charging process and also keeps the victim informed of the status of the investigation. In addition Detective Roberts also serves as liaison with the prosecutor's office on each criminal case, as is required by the policy.

Through partnership with the Clark County YWCA, along with collaborative efforts of other community service organizations and victim advocate organizations, the Sheriff's Office is also able to provide confidential victim services. Victims of law enforcement domestic violence are referred to the YWCA and/or these other organizations whenever confidentiality is of paramount

importance. Although these organizations work in partnership with the Sheriff's office, they are not employed by, paid by, or under contract with the office so they are able to act independently on behalf of the victim. This ensures that the victim has somewhere to turn if unwilling to discuss the family situation with an employee of the Sheriff's Office. For four years the Sheriff's Office employed one victim advocate in DVIU who provides services to those victims comfortable working with and through the department. However, recently the Clark County community lost her invaluable services due to budgetary constraints.

The Clark County Sheriff's Office has recognized many benefits from its law enforcement domestic violence program. First of all, it is one way that the department can exercise more than due diligence, thus empowering its personnel to live up to high expectations set by the community. In addition, it has enhanced the department's ability to identify early warning signs of domestic violence.

This enhanced awareness allows the department to address many family problems that previously may not have come to its attention until they manifested themselves in more serious domestic violence situations. Because of its mandatory reporting requirements, the office gets reports of family issues that aren't yet critical. This allows the department to practice early intervention and help the family before more serious problems arise. There is also more awareness within the department of the connection between work and home and how they affect each other.

Detective Roberts believes that the Clark County program works for two primary reasons. One reason it works is increased awareness about the issue in the office, in the families of its personnel, and in the community, including victim advocate organizations. The other reason it works is Detective Roberts sees his role not as an advocate for one side or the other, but as an advocate for the truth.

For Additional Information contact:

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Child Recovery & Domestic Violence

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Clark County Sheriff's Office Policy

Sheriff's Office Personnel Involvement in Domestic Violence Incidents Chapter 1.40

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01.40.160 COMMUNICATIONS RESPONSE**01.40.170 PREVENTION, EDUCATION, AND TRAINING**

01.40.010 POLICY

The purpose of this policy is to establish procedures for the investigation of domestic violence incidents involving employees of the Clark County Sheriff's Office and other law enforcement agencies that fall within the investigative jurisdiction of the Sheriff's Office.

Deputies shall respond to domestic violence incidents as they would to any other crime. Policies have been established regarding domestic violence investigations that shall be employed during domestic violence investigations involving law enforcement personnel.

However, there are special considerations that must be addressed regarding domestic violence investigations involving law enforcement personnel. This policy will identify those issues and steps investigators should utilize.

The Clark County Sheriff's Office policy takes a continuum approach, seeking first to educate at all phases of an employee's career, then prevent, or interdict, domestic violence situations early on in order to reduce victimization of the partner and increase the chances of career stability.

01.40.020 ZERO TOLERANCE

Where incidents of domestic violence are alleged to have occurred, the department will act quickly to protect the victim, investigate thoroughly, arrest the perpetrator upon establishment of probable cause and conduct such administrative and other investigations as deemed necessary. This policy delineates a position by the department of zero tolerance of domestic violence.

01.40.030 IMPLICATIONS OF CRIMINAL CONVICTION

Federal law prohibits individuals who have been convicted of misdemeanor domestic violence crimes from possessing a firearm and ammunition. ... "[i]t shall be unlawful for any person . . . who has been convicted

in any court of a misdemeanor crime of domestic violence, to ship or transport in interstate commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce." 18 U.S.C. sec. 922(g)(9).2

Pursuant to RCW 9.41.040 Unlawful possession of firearms--Ownership, possession by certain persons.

- (a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree, if the person owns, has in his or her possession, or has in his or her control any firearm after having previously been convicted in this state or elsewhere of any serious offense as defined in this chapter.
- (b) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the second degree, if the person does not qualify under (a) of this subsection for the crime of unlawful possession of a firearm in the first degree and the person owns, has in his or her possession, or has in his or her control any firearm:

Any Sheriff's Office employee found guilty of domestic violence through any criminal court shall be prohibited from possessing a firearm. Subsequently, sworn personnel shall have their police powers revoked. If a deputy is found to have committed an act of domestic violence through an administrative hearing his/her police powers may be revoked.

01.40.040 PRIOR MISDEMEANOR CRIMES OF DOMESTIC VIOLENCE

This policy shall apply to past convictions for domestic violence, as well as existing and future offenses. In the process of adopting this policy of zero tolerance, the Sheriff's Office will review the records of all deputies to ensure they are free of domestic violence convictions.

The term "misdemeanor crime of domestic violence" has been construed by two federal circuit courts of appeal as not requiring the prior misdemeanor conviction to identify - as an element - the status of the "domestic relationship" between the defendant and victim.

In summary, any prior misdemeanor involving the use or attempted use of force (or the threatened use of a deadly weapon) will preclude possession of firearms or ammunition, if evidence outside of the pleadings shows that the defendant's relationship with the victim was that of current or former spouse, parent guardian or cohabitant.

01.40.050 DEFERRED PROSECUTION

Employees subject to "deferred prosecution" that do not yield an actual "conviction" are not statutorily prohibited from possessing firearms and ammunition. However, employees are subject to administrative review.

01.40.060 IMPLICATIONS TO CERTAIN RESTRAINING ORDERS

Restraining orders may remain in effect for months or years. If the requirements of 18 U.S.C. S 922(g)(8) and 921 (a)(33) are met, it will immediately preclude the affected employee from possessing firearms and ammunition.

A current restraining order, issued on notice and opportunity for hearing, which restrains a person from harassing, stalking or threatening (or engaging in other conduct causing reasonable fear of physical injury by) an "intimate partner" or their child will render the restrained person ineligible to possess firearms or ammunition, if either (i) includes a finding that the person restrained is a credible threat to the safety of the intimate partner or child or (ii) explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner or child.

18 U.S.C. S 922(g)(8) applies to employees who are or who may become subject to certain restraining orders under RCW Title 9A, Title 10 and Title 26. In pertinent part, 18 U.S.C. S 922 provides:

(g) It shall be unlawful for any person ... (8) who is subject to a court order that ... (A) was issued after hearing of which such person received actual notice, and at which such person had an opportunity to participate; (B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and (C) (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or (ii) by its term explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or ... (9) who has been convicted in any court of a misdemeanor crime of domestic violence .. to ship or transport in interstate or foreign commerce; or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported interstate or foreign commerce.

01.40.070 MANDATORY REPORTING BY EMPLOYEES SUBJECT TO ANY RESTRAINING ORDER

Employees who are a party to any restraining or protection order, issued in any jurisdiction, shall immediately report that fact to their respective supervisor. Supervisors shall immediately forward this information through the chain of command to the Undersheriff.

01.40.080 DEPARTMENT ASSISTANCE TO EMPLOYEES

In response to observed warning signs or at the request of an employee, the Sheriff's Office may offer and/or recommend non-punitive avenues of assistance to employees, their partners, and other family members before an act of domestic violence occurs. (i.e. Employee Assistance Program (E.A.P.) or other appropriate counseling service)

Personnel who disclose to any member of the department that they have personally engaged in or been a victim of domestic violence are not entitled to confidentiality, unless the communication is about non-criminal domestic violence and the purpose of communication is within the parameters of seeking assistance such as E.A.P. The report of such criminal conduct must be treated as an admission of a crime or notification that a crime has occurred. Either shall be investigated or reviewed criminally and administratively.

01.40.090 SUPERVISOR RESPONSIBILITIES

Supervisors should be aware of on-duty behavior that may be warning signs of domestic violence. These behaviors may include but are not limited to: stalking and inappropriate surveillance activities, unusually high incidences of physical altercations, injuries, or verbal disputes.

If supervisors are informed of off-duty domestic violence incidents, these incidents shall be investigated pursuant to the department's domestic violence policy.

Supervisors shall immediately make their ranking supervisor aware of any domestic violence incident involving department personnel.

The Branch Chiefs, Sheriff and Undersheriff shall be informed of such circumstances or concerns in a timely manner through the department's chain of command.

01.40.091 PERSONNEL RESPONSIBILITIES

All personnel are encouraged and entitled to seek assistance, through E.A.P. and similar counseling functions, to prevent a problem from escalating to the level of criminal conduct against an intimate partner or family member.

- 1) Personnel with any knowledge or information of abuse and/or violence involving fellow employees must report in writing such information in a timely manner to their supervisor. Failure to do so may subject the employee to investigation, disciplinary action, or other actions.

- 2) All personnel shall be aware of the possibility of witness or victim intimidation/coercion. Whenever an employee suspects this is occurring, he/she shall prepare a written report and immediately deliver it to the investigator in charge of the case through the proper chain of command.
- 3) Personnel that engage in threatening, harassing, stalking, surveillance or other such behavior designed to interfere with domestic incident cases against fellow employees or intimidate witnesses may be subject to investigation, and possible disciplinary action and/or other consequences.
- 4) Personnel who fail to cooperate with the investigation of an employee domestic violence case may be subject to investigation, and possible disciplinary action and/or other consequences.
- 5) Any employee who falsely reports that a domestic violence victim of an employee related domestic violence has committed a crime (such as child abuse or neglect) may be subject to investigation, and possible disciplinary action and/or other consequences.
- 6) Any employee who is the subject or a party to a criminal investigation, a protective or restraining order related to domestic violence, regardless of jurisdiction, is required to report that fact to his/her supervisor and provide notice of the court dates, times, appearances, and proceedings in a timely manner.
- 7) An employee who is a party to any civil domestic violence order for protection proceeding, regardless of jurisdiction, shall notify his/her supervisor in a timely manner of this fact and shall provide a copy of the order, if issued, to his/her supervisor.

01.40.100 INCIDENT RESPONSE PROTOCOLS

Department Response

- 1) All department personnel shall accept, document in writing, and preserve all calls or reports, including those made anonymously, involving possible employee domestic violence as "on-the-record" information. The information shall be forwarded to the respective employee's supervisor for possible investigative action.
- 2) A criminal Incident Report shall be completed including details on date, time, location, circumstances, names (if known), officials notified, and actions taken; a case file number shall be assigned and the report filed.
- 3) A copy of the report that identifies an employee as a victim of domestic violence or criminally implicates an employee in domestic violence shall be distributed to the Internal Affairs Unit.

Patrol Response

Upon arrival on the scene of a domestic violence call/incident involving any police officer or department employee as the suspect or victim, the primary patrol unit shall immediately notify dispatch and request a supervisor be sent to the scene, regardless of the involved officer's jurisdiction. The investigation shall be conducted as any other domestic violence incident as detailed by Sheriff's Office policy.

On-Scene Supervisor Response

A supervisor shall, whenever possible, report to the scene of all domestic violence calls/incidents within Clark County involving any sheriff's office employee, and any other police department employee identified as a suspect or victim, regardless of the involved individual's department's jurisdiction, that occur within unincorporated Clark County.

- 1) The on-scene supervisor should assume command, ensure that the crime scene is secure and that all evidence is collected, including color photographs. Video documentation of the victim and scene should be recorded where such resources are available.
- 2) In cases where probable cause exists, the on-scene supervisor shall ensure mandatory arrests are made. In discretionary arrest situations, the supervisor will assist the investigating officer in determining if an arrest should be made.
- 3) If the offender has left the scene, the supervisor shall ensure a search is conducted and the reports are forwarded to the prosecutor's office.
- 4) Arrest of both parties involved in a domestic violence incident should be avoided. The supervisor shall ensure that a thorough investigation is conducted and an arrest of the primary aggressor is made in accordance with state law. (See RCW 10.31.100)

01.40.110 SEIZURE OF DUTY WEAPONS

Whenever a Clark County Sheriff's Office deputy or armed employee is arrested, the supervisor shall relieve the accused officer of his/her department issued service weapon(s). If an armed officer from another jurisdiction is arrested, that individual's department will be immediately contacted by the Sheriff's Office supervisor where authorization to seize that individual's department issued weapon(s) will be requested. Where allowable under federal, state, or local ordinances, all other firearms owned or at the disposal of the accused officer shall be removed to ensure the victim's safety.

01.40.120 ADDITIONAL CONSIDERATIONS

When responding to a domestic violence complaint involving an employee from a law enforcement department, all responding deputies, investigators, and supervisors shall follow the same procedures established herein. The responding supervisor shall notify the chief of police/sheriff, or his/her designee, of the accused officer's jurisdiction verbally as soon as possible and in writing within 24 hours.

- 1) In the event that the reported incident involves a chief of police, commissioner, or department head, the supervisor shall immediately notify the individual in government who has direct oversight that individual.
- 2) In responding to domestic violence situations where the victim is a law enforcement department employee, standard domestic violence response and investigation procedures should be followed.
- 3) In responding to domestic violence incidents where the parties involved are both law enforcement employees, standard domestic violence response and investigation procedures should be followed. After probable cause is established and the primary aggressor is determined, an arrest should be made and service weapons confiscated pursuant to procedure established herein.

01.40.130 FOLLOW-UP

- 1) The supervisor shall, in a timely manner, debrief all deputies who respond to a law enforcement employee domestic violence call. During the debriefing, the supervisor shall:
 - a) Review department confidentiality guidelines.
 - b) Reaffirm that deputies share information only on a need-to-know basis.
- 2) Establish a clear delineation of assignments in order to assist victims in a coordinated and consistent manner.
 - a) Arrest warrants charging law enforcement officers with domestic assault and protective orders issued at a later time shall be served by no fewer than two deputies with at least one being of senior rank to the officer being served.
 - b) On-scene and follow-up investigators shall proactively seek out information on existing restraining and/or protective orders and, if found, shall enforce them.
 - c) Following the reported incident, the department shall designate a member of the Domestic Violence Unit as a principal contact for the victim. The assigned officer will, whenever possible, keep the victim apprised of the case throughout the adjudication process and direct the victim to referral services.
 - d) The department will make decisions concerning referrals, duty assignments, and administrative actions

01.40.140 VICTIM SAFETY AND PROTECTION

Working with community resources and advocacy agencies, the department shall make available all necessary and appropriate services to each victim.

- 1) All employees shall keep all information concerning victims confidential, including their whereabouts and safety plans.
- 2) The Domestic Violence Unit officer shall inquire whether the victim wants any weapons removed from his/her home for safekeeping by the department.
- 3) All department personnel shall be aware of the increased danger to victims when the victim leaves an abusive partner, and the designated Domestic Violence Unit officer shall caution the victim to be alert to stalking activities on the part of the abuser and assist in safety planning.

- 4) The Domestic Violence Unit officer designated as principal contact for the victim shall inform the victim of confidentiality policies and their limitations, and ensure that confidentiality is maintained throughout the case if the victim wants it.
- 5) As previously stated, all employees shall be aware of possible witness or victim intimidation/coercion. Whenever an employee suspects this is occurring, he/she shall prepare a written report and immediately deliver it to the investigator in charge of the case through the proper chain of command.
 - a) In order to ensure coercion is not being attempted, the investigator in charge shall seek out secondary sources of information.
 - b) Given the likelihood that a victim will recant, supplemental evidence should be sought out and preserved.

01.40.150 POST-INCIDENT ADMINISTRATIVE AND CRIMINAL DECISIONS

The Sheriff's Office will adhere to and observe all procedures to ensure an accused employee's departmental, union, and legal rights are upheld during the administrative and criminal investigations.

- 1) Administrative Investigations and Decisions
 - a) The responsibility to complete the administrative investigation of a deputy domestic violence incident shall rest with the Internal Affairs Unit via the Sheriff.
 - b) The investigating official shall conduct an administrative investigation using standard elements of criminal investigations. Witnesses shall be contacted, re-interviewed, and statements recorded; crime scene evidence, photographs and medical records accessed, 911 tapes requested, and all information fully documented.
 - c) Where sufficient information exists, the department shall take immediate administrative action to intervene, which may include removal of badge, law enforcement identification, removal of weapon, reassignment, administrative leave with or without pay, or termination.
 - d) Where an arrest was not made, and charges not filed, but sufficient concern exists, the department may initiate an independent administrative investigation and decide the employee's status based on the outcome of the investigation.
 - e) In determining the proper course of administrative action, the department may consider factors such as level of danger an employee poses to the victim (based on risk assessment measures), an employee's history of compliance with departmental rules, history of aggressive behaviors, and existence of an alcohol or substance abuse problem.
 - f) Pending the administrative and criminal investigations for alleged acts of domestic violence and/or violation of departmental policies, the department may assign the accused employee/victim to duties that do not require response to domestic violence cases.
- 2) Criminal Investigations and Decisions

The responsibility to complete a criminal investigation of an incident of Sheriff's Office employee domestic violence shall rest with the Domestic Violence Unit. A copy of the completed investigation will be hand delivered to the Internal Affairs unit.

 - a) The investigating officer shall conduct criminal investigations as she/he would for any other criminal violation. Witnesses should be contacted, statements recorded, evidence collected, photographs taken of the scene and injuries, medical records accessed, 911 tapes requested, and all information fully documented.
 - b) When appropriate, the investigating officer or department shall conduct sufficient interviews (taped) to support criminal charges, to include family members, friends, neighbors, colleagues, or others who may have information in accordance with the officer's and victim's privacy rights.
 - c) Even though an initial report may already exist concerning an employee, if the victim reports any subsequent or additional criminal activity, each incident shall be documented separately, assigned a case number, and investigated thoroughly.
 - d) The Sheriff's Office Domestic Violence Unit shall completely investigate the charges and where warranted seek prosecution even if the victim recants the charges.
 - e) The Sheriff's Office Domestic Violence Unit shall establish a liaison to work with the prosecuting/district attorney for each case.
- 3) Criminal Conviction

Federal law prohibits any person convicted of a crime stemming from domestic violence incidents from possession of firearms. The department shall ensure compliance with federal law.

- a) Because being armed is an essential police function, any police officer convicted of any felony or a domestic violence crime, as defined herein, shall have his/her police powers revoked.
- b) Non-sworn personnel convicted of a domestic violence crime shall not be allowed to possess a firearm and shall be subject to disciplinary action up to and including termination.

01.40.160 COMMUNICATIONS RESPONSE

- 1) Communications personnel shall document all domestic violence calls received that involve, or appear to involve, a law enforcement employee and immediately notify the supervisor, regardless of the involved employee's jurisdiction.
- 2) When requested by investigators, communications personnel shall prepare and preserve documentation of the facts and circumstances of the call, including the 911 tape, for use in potential criminal or administrative investigations.
- 3) Communications personnel shall have available current lists of local domestic violence victim advocacy organizations to provide on-scene supervisors with that information if requested.

01.40.170 PREVENTION, EDUCATION, AND TRAINING


The Sheriff's Office will adhere to a zero tolerance policy towards law enforcement employee domestic violence and violations of the policy will not be tolerated. The department will provide training to personnel on domestic violence and the zero tolerance policy.

- 1) Prevention through Collaboration
 - a) The department shall collaborate with local domestic violence victim advocacy organizations, coordinating councils, the Clark County Prosecutor's Office, department employees specialized in domestic violence issues and training, and state domestic violence coalitions in the development of domestic violence training curricula and shall use local advocates in the training of personnel, specifically sworn personnel.
 - b) The department shall provide copies of all departmental protocols and policies on domestic violence to local domestic violence victim advocacy organizations and agencies.
 - c) The department shall provide training where requested to local domestic violence victim advocacy organizations on the department's domestic violence policies and protocols.
 - d) Labor unions and guilds representing Sheriff's Office personnel shall be provided a copy of the domestic violence policy.
- 2) Education

Upon implementation of the policy, the Sheriff's Office will attempt to provide employees with training Domestic Violence Training. This instruction may include:

 - a) In-Service Training - Periodic in-service training on domestic violence and stalking should be held to review policies and discuss their implementation.
 - b) Roll Call Training - Deputies should receive regular instruction about domestic violence and stalking during roll call.
- 3) Program Evaluation - To enhance the effectiveness of the training, the Sheriff's should work with internal or external research resources to evaluate the training being provided.
- 4) Early Warning and Intervention
 - a) Pre-Hire Screening and Investigation
 - i) The Sheriff's Office shall conduct thorough background investigations of all potential new employees to determine if domestic violence issues exist.
 - ii) All employee candidates shall be asked about past arrests or convictions for domestic violence-related incidents and past civil protection orders.
 - iii) Any Sheriff's Office employee candidate with a history or conviction of domestic violence shall be eliminated as an employee candidate at this point in the hiring process.
 - b) Post-Conditional Offer of Employment
 - i) The department shall require a psychological examination of all viable candidates to be performed by an experienced psychologist and/or psychiatrist.
 - iv) The psychological screening will focus on indicators of violent or abusive tendencies or behaviors in their background.
- 5) Post-Hire Intervention

The Sheriff's Office will provide a copy of the department's policy on domestic violence to new employees and their families. Families shall be informed on whom to call in the department if problems occur. Distribution of the policy shall be the responsibility of the Sheriff's Office Personnel


GARRY LUCAS, SHERIFF

Specialist.

Creation Date: January 23, 2001

Revision Date:

Chicago Police Department Case Study

CASE STUDY
THE CHICAGO POLICE DEPARTMENT
Chicago, Illinois

Development

In the early seventies, the Chicago Police Department (CPD) created a new division to deal specifically with excessive force complaints. This division was called the Office of Professional Standards (OPS). OPS was and remains entirely staffed by civilian personnel. Although initially OPS did not have a special unit to deal with police officer domestic violence, that was soon to change.

In 1988/89 CPD had four murder/suicides involving police officers and their intimate partners. New leadership within CPD decided something needed to be done to stop this. The next time a police officer was accused of domestic violence, management recommended that he be fired. The officer was suspended pending the Department disciplinary hearing. The victim was scheduled to testify at that hearing. Before the hearing, the officer tried to convince the victim not to testify against him. When the victim insisted on testifying, the officer murdered her and hid her body. That's when CPD realized they needed to learn how to handle these cases before they could successfully deal with this issue.

CPD started working to develop a comprehensive program to deal with incidents of police officer domestic violence. In 1992, the department formed an internal committee to address this issue. The committee consisted of OPS, Internal Affairs (IAD), Personnel, Research and the department's Employee Assistance Program (EAP). The city's Corporate Counsel appointed an attorney to the committee, who prosecuted cases against police officers. The only non-city government member of the committee was Jan Russell, who at the time was the Family Issues Specialist with the Cook County State Attorney's Office.

The committee's first meeting was a training session in which Jan Russell educated the committee members about domestic violence dynamics and issues. Then each unit within the department with any role related to domestic violence gave a presentation on their role and the general orders that apply. After the committee was educated on these issues, they established four priorities: victim safety; public trust; intervention and prevention through officer rehabilitation; and avoiding liability. Although the various participants might see different aspects as being more important than another, they all decided that victim safety was the top priority for the group as a whole.

They carefully considered the existing policies and practices of the department to determine how they aided or hindered the department's ability to meet their four priorities, and developed a program designed to address the systemic problems they uncovered. It took two years to amend existing policies, eliminate obstacles and develop staff training. CPD did not develop new policies, but new general orders had to be issued. CPD's new program had three primary facets: (1) training for all personnel; (2) creating a new domestic violence team within OPS; and (3) creating a new program for victims called the Domestic Violence Advocacy Program.

Implementation

First, training was provided to educate all personnel about power and control dynamics. This training helped dispel the notion that simply firing all officers accused of domestic violence constitutes a solution to the problem of police officer domestic violence. In addition, roll call training was provided to all officers reiterating the fact that domestic violence is a crime and

reminding officers that they were required by existing policy to report crimes by other officers, including domestic violence crimes.

A new domestic violence team was created and trained solely to investigate police officer domestic violence complaints. This team was created in the civilian staffed OPS because it was determined that victims did not trust internal affairs to properly deal with the offending officers. As part of the effort to treat victim safety as the top priority, a new victim advocacy program was created specifically for victims of police officer domestic violence. In order to emphasize its importance, this program was placed directly under the Superintendent. It is called the Domestic Violence Advocacy Program (DVAP).

How It Works

When an officer responds to a domestic violence call and discovers that the alleged perpetrator is a CPD employee, the officer immediately calls for a person of higher rank than the alleged perpetrator. The responding supervisor has one hour to do an initial investigation, attempting to determine the basic situation. The responding supervisor must call OPS and report the situation within one hour or be subject to discipline. OPS assigns the case to one of the 6 investigators on the domestic violence team for a thorough investigation. OPS also forwards the complaint to DVAP for immediate action.

DVAP reaches out to the victim, offering assistance and information. DVAP attempts to explain all available options to the victim along with the potential consequences of each option. DVAP is available 24 hours a day. It is staffed by 2 advocates and 1 support person who provide services solely to victims of police officer domestic violence. DVAP is located in a totally separate building from the police department in order to provide confidentiality to victims and thus encourage victims to utilize its services. As an additional step to ensure confidentiality, nobody in the CPD has a key to the DVAP office except DVAP staff and they reveal their location only on a need to know basis.

DVAP attributes its success to three primary factors: (1) it can provide confidentiality; (2) its advocates understand the law and can overcome the legal roadblocks that experienced officer/abusers set up; and (3) it has ready access to and the respect of CPD management so it can stop any evident abuse of authority. According to the program's lead advocate, Jan Russell, who was also instrumental in developing the program, these factors are important to the success of any police officer domestic violence advocacy program.

DVAP and OPS also provide similar services when domestic violence complaints are filed against CPD officers as a result of something other than a 911 call. Even cases classified as low level, such as "conduct unbecoming an officer," are referred to OPS and DVAP when those cases involve a domestic violence component. The goal in these cases is to deal with all domestic violence related incidents in a proactive way, reprimanding or disciplining the officer if necessary to stop the inappropriate behavior. The department uses the corrective and disciplinary process as a way to motivate the officer to change the inappropriate behavior before it rises to the level of criminal domestic violence and puts the officer's job at risk.

For Additional Information contact:

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Domestic Violence Advocacy Program
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Chicago Police Department Policy

CHICAGO POLICE DEPARTMENT – GENERAL ORDERS and ADDENDUMS

Chicago PD issues directives to its staff through a system of General Orders with various Addendums. This procedure and these documents serve as department policy. Many new General Orders and Addendums were and continue to be issued as part of Chicago's comprehensive program to address police domestic violence. In addition, many aspects of the now ten-year-old program have been incorporated into General Orders and Addendums covering more than the one subject of police domestic violence. A full compilation of these materials is beyond the scope of this handbook.

An example of an Addendum issued as part of Chicago's police domestic violence program is included here. This example is from an Addendum to the General Order entitled *Complaint and Disciplinary Procedures*. The Addendum is entitled *Special Situations* and outlines additional procedures for handling specifically described situations. The included section of this Addendum delineates the procedure to be followed when a sworn officer is the respondent in a petition for protective order.

~~~~~ EXAMPLE ~~~~~

	ADDENDUM TO:	DATE OF ISSUE	EFFECTIVE DATE	NO.
	General Order 93-3	27 September 2002	1 October 2002	5B
SUBJECT		DISTRI-BUTION	RESCINDS	
SPECIAL SITUATIONS		C	Addendum 5, Addendum 5A, AMFN Nos. 95-011753, 96-004801, 97- 004977, and 02-002133	

I. PURPOSE

This addendum identifies certain special situations and sets forth procedures for their investigation and processing.

II. SPECIAL SITUATIONS

— **SECTIONS A-K OMITTED** —

L. Orders of Protection Against Sworn Members

Orders of Protection are court issued by a judge directing a "respondent" (the accused) to perform certain acts or to refrain from committing certain acts. Effective 1 January 1996, a member who is a respondent in an order of protection, issued on or after that date, may be ordered by the court to surrender the member's duty firearm(s) and the member's non-duty related firearms as one of the remedies listed on a "plenary" (permanent) order [725. ILCS 5/112A-14 (b) (14.5); effective January 1, 1996]. A plenary order of protection is for a stated period not to exceed two years. Usually, before a plenary order can be issued, an emergency order of protection must be entered and a hearing date set to examine the "petitioner" (the accuser) under oath to ascertain whether there is any "danger of the illegal use of firearms" by the respondent. The following procedures are applicable to any order of protection issued by either the criminal or civil courts.

1. When a member is served with a Notice to Appear or is otherwise notified or made aware of an order of protection (regardless of the source), where the member is the "respondent," or if the member receives notice that the petitioner has sought modification and reopening of a "current" order of protection, the member will:
 - a. immediately prepare a To-From-Subject report indicating the date and time the member was served or became aware of the existence of or modification to the order of protection, and also indicate the date and time of any future court appearance as listed on any document received or of which the member is aware. In addition, the member will list the CR number and date of incident of any pending CR investigation, if known by the member.
 - b. submit the report, with copies of all documents, to the member's watch commander/ watch operation lieutenant for review and forwarding.
2. The watch commander/watch operation lieutenant will review and sign the report and immediately forward the original report, with copies of all documents, to the General Counsel, Office of the Superintendent, and forward additional copies to the Assistant Deputy Superintendent, IAD, the Chief Administrator of OPS, and to the member's unit commanding officer of exempt rank to be retained in unit files.
3. OPS will, upon receipt of the report, review its records to determine if a CR number has been issued against the member for the incident that precipitated the issuance of the order of protection. If a CR number has not been initiated, OPS will review the order of protection and all documents and issue a CR number. Both IAD and OPS will maintain a file of all current orders of protection (including expiration date) issued against Department members for access by supervisory personnel.
4. Designated members from IAD and OPS will appear in court for the hearing on the indicated date and time.
 - a. Should a plenary order of protection be issued by the judge at that hearing which includes as a remedy, "the prohibition of firearm possession", the IAD representative will:
 - (1) if the hearing is held in criminal court, request the assistant state's attorney to provide the Department with a copy of the plenary order of protection. If the hearing is held in civil court, the IAD representative will request the petitioner's attorney to provide a copy of the plenary order of protection.
 - (2) deliver to the member a copy of a Notification of Duty Restrictions (CPD-44.301) instructing the member to surrender the member's duty and non-duty firearms as directed by the court. Unless some other timetable is provided for in a court order, the member will be ordered to immediately surrender their firearms to the IAD representative at the Evidence and Recovered Property Section.
 - (3) contact the Field Inquiry Section of the Records Division to obtain a listing of all firearms registered to the member.

- (4) inventory the firearms in accordance with the Department directive entitled "Firearms Taken Into Custody or Turned In." The notation "Police Officer's Weapon - Do Not Mark or Destroy" will be entered in the "Comments" field on the Recovery screen of the eTrack application. On the Classification screen, the action "Hold for Investigation" will be checked and the star number of the person assigned to the investigation entered in the appropriate box. Multiple firearms may be entered on a single property inventory. The IAD representative will provide the member with the owner's/citizen copy of the inventory..
 - (5) provide the member with written notification directing the member to report to the Personnel Division to surrender his or her star, shield and I.D. card and to receive information concerning the disposition of duty status.
 - b. Immediately following the hearing, the designated member from OPS will prepare a To-From-Subject report to the Superintendent of Police summarizing all available information from the case file and the hearing.
 - c. If a "prohibition of firearm possession" remedy is not included in the plenary order of protection, the IAD representative will still request a copy of the order from the court to be included in the member's case file.
 - d. Nothing in this order precludes the Superintendent from exercising his or her prerogative to immediately suspend or reassign a member, based on the circumstances of each individual case.
- 5. If a member is subject to an order of protection issued in another state, the member will submit a To-From-Subject report outlining the circumstances as prescribed in Item II-L-1 of this addendum. OPS will investigate the circumstances and will obtain a CR number, if appropriate.
 - 6. If at some future date, a member receives a written court order, issued by a judge, that allows the member to possess firearms, the member will prepare a To-From-Subject report to the member's commanding officer, attaching a copy of that order. The watch commander/watch operations lieutenant will forward the report as directed in Item II-L-2 of this addendum.
 - 7. The Evidence and Recovered Property Section will not release an officer's firearms inventoried pursuant to Item II-L of this addendum without the express written authorization of IAD.

Los Angeles Police Department Case Study

CASE STUDY
THE LOS ANGELES POLICE DEPARTMENT
Los Angeles, California

Development

In April 1997, after a well publicized domestic violence killing by a police officer, a local television station ran a series of news reports alleging that the Los Angeles Police Department (LAPD) was failing to properly handle domestic violence complaints against its own personnel. As a result of the allegations reported by the media, the Los Angeles Police Commission requested that its Office of the Inspector General (OIG) conduct an investigative study on this issue. OIG created a Domestic Violence Task Force (Task Force), consisting of five hand-picked LAPD employees, to analyze 227 internal domestic violence related investigations against LAPD employees. These 227 investigations took place between 1990 and 1997. All of the investigations studied involved allegations of physical abuse or threats of physical abuse.

The Task Force issued its report on July 22, 1997. A complete copy of the report can be found at: <http://www.ci.la.ca.us/oig/isgrp2b.htm>. The Task Force made eight principle recommendations, including the following: (1) a special domestic violence unit should be established within Internal Affairs; (2) a department employee should be treated no differently than any other citizen when there is evidence that the employee has committed a crime; (3) every domestic violence case with prima facie evidence should be forwarded to the prosecutor in a timely manner; (4) victim recantation should not automatically result in case closing; and (5) sustained allegations of misconduct should always be documented and considered in employment evaluations.

Implementation

In 1997, shortly after the Task Force report, the LAPD created a new unit within Internal Affairs called The Family Violence Unit. Internal Affairs answers directly to the Chief of Police and is responsible for investigating complaints against LAPD personnel. No new written policies were developed. However, the LAPD instituted new procedures for investigating internal domestic violence complaints. These new procedures were incorporated into department training. Furthermore, training began to emphasize the fact that domestic violence is a crime just like any other crime. If it is committed by LAPD officers, all laws and current policies addressing crime by officers are applicable, including mandatory reporting when one officer has reason to believe that another officer has committed a crime. Mandatory reporting is strictly enforced.

How It Works

The Family Violence Unit of Internal Affairs consists of 13 investigators. They are charged with investigating all domestic violence related crimes committed in the city by any department employee. This includes assault and battery, stalking, rape, child abuse, trespass, malicious

mischievous, and others. The unit always conducts the criminal investigation before the administrative investigation. Generally, administrative investigations must be completed within 365 days. However, this deadline is tolled when criminal charges are pending. The Family Violence Unit is required to refer one hundred percent (100%) of its cases to the district attorney for review, even if the victim recants.

The Family Violence Unit acts on any complaint received from any source. They receive complaints from the internet, they take complaints over the phone, and even if they happen to see some indication of domestic violence by an officer in other records, they will act on the information.

LAPD also has Memoranda of Understanding (MOUs) with surrounding jurisdictions, including the LA Sheriff's Office. These MOUs provide that if one of these jurisdictions arrests an LAPD officer for a domestic violence crime, the other jurisdiction will notify the LAPD immediately. The other jurisdiction then handles the criminal matter and when finished, they turn the case over to the LAPD for administrative investigation and proceedings.

LAPD also has informal agreements with local victim advocate organizations. Recently they have begun to experiment with what they call DART Teams. These are teams of community-based advocates who ride along with officers as they respond to domestic violence complaints. The teams provide support and assistance to the victim at the scene so that officers can focus on investigating the incident and controlling the suspect. This experiment is funded by a federal grant and initial feedback is very favorable.

For Additional Information contact:

Chief William J. Bratton

Los Angeles Police Department

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Los Angeles, CA 90012

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www.lapdonline.org

Los Angeles Police Department Policy

LOS ANGELES POLICE DEPARTMENT
MANUAL – DISCIPLINARY PROCEDURES

**EXCERPT OF DOMESTIC
VIOLENCE PROVISIONS**

- Prepare a Complaint Form, Form 1.28, and cause it to be distributed.

When an employee has refused to submit to a chemical test, an order to submit to the test for the purposes of an administrative investigation only shall be given by the first available officer of appropriate rank.

Note: All evidence obtained solely as a result of the personnel investigation is confidential and shall *not* be disclosed to members of the outside agency conducting the criminal investigation or to any other unauthorized persons.

838.20 DEPARTMENT EMPLOYEES WITH CRIMINAL CONVICTION INVOLVING DOMESTIC VIOLENCE - EMPLOYEE NOTIFICATION.

Employee - Responsibility. A Department employee who has been convicted of a crime punishable by imprisonment for a term exceeding one year, a misdemeanor crime of domestic violence, or any misdemeanor crime with a factual basis of domestic violence shall:

- Immediately notify the concerned commanding officer and submit an Employee's Report, Form 15.7. The Form 15.7 shall include:
 - A brief summary of the facts of the case;
 - The approximate date of the filing of the criminal complaint or arrest, the original booking charge, and the arresting agency;
 - The approximate date of conviction, the conviction charge, the court case number, and the disposition of the case (e.g., guilty, one-year summary probation, etc.); and,
 - A statement regarding whether the incident was investigated by the Department and the outcome of that investigation, if known.

Commanding Officer - Responsibility. When it comes to the attention of the concerned commanding officer that a Department employee appears to have been convicted of a crime punishable by imprisonment for a term exceeding one year, a misdemeanor crime of domestic violence, or any misdemeanor crime with a factual basis of domestic violence, the commanding officer shall:

- Retrieve all City-owned firearm(s) and Department-issued ammunition in the employee's possession;

Note: In administering this policy, all reasonable efforts shall be made to avoid embarrassment or discomfort to the officer and to minimize any intrusion of privacy. Prior to the retrieval of any firearm, an effort should be made to obtain a location out of the view of the public and other employees.

- Complete the Equipment/Firearms Receipt, Form 11.09, indicating the following:
 - The employee's name and division/Area of assignment;
 - The date of retrieval;
 - The City-owned firearm(s) make, caliber-type, serial number;
 - The Department-issued ammunition caliber-type and the amount of rounds received;
 - The statement, "Hold pending preliminary inquiry regarding domestic violence"; and,
 - Properly update the Individual Uniform and Equipment Division Inspection Record, Form 1.41.0.

Note: When a City-owned firearm(s) is not maintained at a Department facility, the commanding officer shall direct the concerned employee to surrender his/her City-owned firearm(s) within 72 hours.

- Assign the concerned employee to **appropriate** duties that would not require the receipt or possession of a firearm and/or ammunition;
- Without delay, notify Internal Affairs Group of the situation;
- At the time of the retrieval of the City-owned firearm(s) and Department-issued ammunition, the concerned employee shall be advised of the following:
 - All City-owned firearm(s) and Department-issued ammunition will be held in the custody of the commanding officer;
 - All privately-owned firearm(s) and/or ammunition in the employee's possession shall immediately be relinquished to a third party;
 - Written proof of compliance regarding the relinquishing of all privately-owned firearm(s) and/or ammunition shall be provided to the concerned commanding officer

within 72 hours after receiving this advisement;

- o A preliminary inquiry will be completed within **90** days after the date of the employee notification. The purpose of the preliminary inquiry will be to determine if the employee is prohibited from possessing, shipping, transporting, or receiving a firearm and/or ammunition under 18 United States Code 922 (g) (9);
- o Upon completion of the preliminary inquiry, the commanding officer will make a determination regarding whether a complaint investigation should be initiated;

Note: When other misconduct is discovered during the preliminary inquiry, a Complaint, Form 1.28, shall be completed without delay.

- Complete the Employee Notification - Prohibition from Possessing, Shipping, Transporting, or Receiving a Firearm and/or Ammunition, Form 1.88.2; and,
- Present the Employee Notification - Prohibition from Possessing, Shipping, Transporting, or Receiving a Firearm and/or Ammunition, Form 1.88.2, to the concerned employee for signature.

838.23 DEPARTMENT EMPLOYEES SUBJECT TO A COURT ORDER.

Employee Responsibility. A Department employee who is or believes he/she is about to be the subject (respondent) of a court order such as a Temporary Restraining Order, Emergency Protective Order or Order to Show Cause, or who initiates a court order (petitioner) against another Department employee shall comply with the following procedures as it applies to his/her involvement:

Department Employee as Respondent. The primary responsibility for compliance with a court order rests with the employee. Employees are reminded that a court order supersedes any conflicting Department rule or regulation and any violation of the order can result in discipline. Therefore, any Department employee who is served with or believes that he/she is about to be the subject of any court order shall immediately notify his/her commanding officer, either directly or through a supervisor, of the court order and provide the commanding officer with a copy of all related court orders. Additionally, the employee shall notify the commanding officer of:

- Conditions of the court order, including any specific

Department facilities identified in the order and any possible Department facility where the petitioner may be located;

- Potential conflict between the court order and the employee's duties; and,
- Any subsequent modification to or expiration of the court order.

Should the employee be given any direction which may result in a potential violation of a court order, the employee shall immediately apprise the person giving the direction of the potential violation and his/her inability to comply with the request.

Department Employee as Petitioner. When a Department employee initiates a court order against another Department employee, he/she shall immediately notify his/her commanding officer, either directly or through a supervisor, of the court order and provide the commanding officer with a copy. Additionally, the employee shall notify the commanding officer of:

- The identity and current assignment, if known, of the Department employee who is respondent and the conditions of the court order including any specific department facility identified in the order and any possible department facilities where the petitioner may encounter the respondent; and,
- Any subsequent modification to or expiration of the court order.

As with any other possible misconduct, it is incumbent upon any Department employee who becomes aware of a possible court order violation to disclose the situation to a supervisor immediately (Department Manual Section 3/815.05).

Supervisory Responsibility. A supervisor who is notified that a Department employee is or reasonably believes he/she is about to be the subject (respondent) of a court order such as a Temporary Restraining Order, Emergency Protective Order or Order to Show Cause or who has initiated a court order (petitioner) against another Department employee shall:

Department Employee as Respondent:

- Obtain a copy of the court order;
- Review the order for restrictions which may affect the employee's work conditions;
- Ensure that the employee is in compliance with all

workplace restrictions including access to Department facilities and contact with any other Department employees;

- Forward a copy of the court order to the employee's commanding officer with documentation of any action taken to ensure compliance with the provisions of the order; and,
- Notify the commanding officer of any modification to or expiration of the court order.

A violation of a court order may be a violation of the law and can be considered misconduct. Should a violation of a court order occur, a supervisor shall conduct an onscene investigation to evaluate the circumstance and determine the appropriate action. At a minimum, the onscene supervisor shall document the circumstance and action taken on an Employee Comment Sheet, Form 1.77, and forward it for further review and final disposition to the offending employee's commanding officer.

Department Employee as Petitioner. When a supervisor is notified by a Department employee that he/she initiated a court order against another Department employee, the supervisor shall:

- Obtain a copy of the court order;
- Notify the respondent employee's commanding officer as soon as possible;
- Review the order for the respondent's restrictions and identify any work condition which may result in a violation of the order; and,
- Document the action taken on an Employee Comment Sheet, Form 1.77, and forward the form to the employee's commanding officer for review.

Commanding Officer Responsibility. When notified that an employee in his/her command has been served with, or reasonably believes that he/she may be the subject (respondent) of a court order, or has initiated a court order (petitioner) against another employee, the commanding officer shall:

Department Employee as Respondent. The commanding officer shall meet with the respondent employee and:

- Review the circumstances and/or related documents and take appropriate action to ensure compliance with the specified restrictions;
- Initiate a personnel investigation if that review discloses an

allegation(s) of misconduct;

- Forward a copy of all pertinent documents to Internal Affairs Group via the commanding officer's Bureau commanding officer; and,
- Notify the commanding officer of the facility(ies) at which the employee's presence is restricted. If the restriction includes one of the following facilities, a single notification to the specified commanding officer will suffice and the commanding officer shall assume responsibility for further notification to commands within that facility:
 - Commanding Officer, Detective Headquarters Division, for Parker Center;
 - Commanding Officer, Central Area, for Central Facilities;
 - Commanding Officer, Van Nuys Area, for Valley Headquarters; and,
 - The senior command officer within any other facility housing multiple commands.

Department Employee as Petitioner. When a commanding officer is notified that an employee in his/her command has obtained a court order against any other Department employee the commanding officer shall:

- Review the circumstances and/or related documents with petitioner and notify the respondent's commanding officer;
- Maintain a copy of all pertinent documents;
- Upon notification that the protective order has expired or been modified, ensure that the respondent's commanding officer is notified.

The commanding officer shall ensure that the employee/respondent is aware of and, as appropriate, utilizing the Department's employee support system such as Behavioral Science Services and the Employee Assistance Unit.

838.30 DEPARTMENT EMPLOYEES WITH A CRIMINAL CONVICTION INVOLVING DOMESTIC VIOLENCE - ADMINISTRATIVE INVESTIGATION.

Commanding Officer - Responsibility. When a commanding officer has been notified that an employee in his or her command falls within the provisions of 18 United States Code 922 (g) (9),

the concerned commanding officer shall:

- Initiate a preliminary inquiry to be completed within **90** days after the date of the employee notification;
- Provide the Commanding Officer, Internal Affairs Group, with an update on the status of the investigation every **30** days from the date of the employee notification;
- When the concerned employee has obtained relief from the court or when it is determined that the employee is not in violation of 18 United States Code 922 (g) (9):
 - Immediately forward a copy of all related documents with an Intradepartmental Correspondence, Form 15.02, recommending no further action to the Commanding Officer, Internal Affairs Group.

Note: The Commanding Officer, Internal Affairs Group, shall approve the release of the retrieved City-owned firearm(s) and Department-issued ammunition.

- Immediately forward a copy of all related documents with an Intradepartmental Correspondence, Form 15.02, to the Commanding Officer, Personnel Division. The Intradepartmental Correspondence shall include a request to remove all related documents concerning the investigation from the employee's Department personnel folder and to file them indefinitely in the employee's Personal History Packet. Additionally, the concerned commanding officer shall ensure that all related documents concerning the investigation are removed from the divisional Personnel Folder.

Note: The Personnel History Packet is maintained at Personnel Division and is a confidential document not used for promotional purposes.

- When the concerned employee has not had the conviction expunged or set aside by a magistrate or a determination has not been made regarding a possible violation of 18 United States Code 922 (g) (9) **within 90** days of the date of the employee notification, initiate an administrative investigation by forwarding a Complaint, Form 1.28, to the Commanding Officer, Internal Affairs Group; and,
- Advise the concerned employee, in writing, of the outcome of the preliminary inquiry.

Internal Affairs Group - Responsibility. The Commanding Officer, Internal Affairs Group, shall:

- Consult with the affected employee's commanding officer, and assign investigative responsibility if a personnel complaint investigation is warranted;
- Ensure that there is a final disposition and appropriate documentation as to the employee's status following service of a Form 1.88.2; and,
- Review and approve all requests for the return of City-owned firearm(s) and Department-approved ammunition.

838.40 EMPLOYEES NAMED ON PROTECTIVE ORDERS RESTRICTING OWNERSHIP AND CONTROL OF FIREARMS. Any Department employee who is served with an Order To Show Cause (OSC) and Temporary Restraining Order (TRO) shall:

- Comply with all conditions of the order;
- Immediately notify his/her immediate supervisor, watch commander or commanding officer of the existence of the order and date of the follow-up court hearing;
- Provide his/her immediate supervisor, watch commander or commanding officer with a copy of the OSC/TRO on the employee's next scheduled work day, or as otherwise directed by his/her commanding officer;
- Obtain correspondence from their commanding officer advising the magistrate that the Department is unable to reassign the employee to duties where the carrying of a firearm is not a necessary condition of employment and may therefore seek termination of the employee; and,
- On the next scheduled work day after the follow-up court hearing, or as directed by his/her commanding officer, advise his/her immediate supervisor or commanding officer of the results of the hearing and present the complete Order After hearing (OAH) or other appropriate court document to his/her immediate supervisor or commanding officer for photocopying and placement in the employee's Division Employee Folder, Form 1.1.

Note: It is the responsibility of the concerned employee to request removal of the copy of the OSC/TRO or OAH from his/her Division Employee Folder upon expiration of the order.

If a magistrate imposes firearms restrictions which require the

relinquishment of a City-owned weapon(s), the concerned employee shall surrender the City-owned weapon(s) to his/her commanding officer within the time limit imposed by the court. The disposition of privately-owned weapons shall be effected in the manner prescribed by the court. Non-exempted firearms **shall not** be retained beyond the relinquishment date specified by the magistrate. Affected employees shall provide their commanding officer proof of compliance with any court-ordered surrender of firearms.

Supervisors' Responsibility. Upon notification by an employee that he/she has been served with an OSC/TRO or OAH, the supervisor shall:

- Direct the employee to provide the original order;
- Review the order for restrictions which may affect the employee's work conditions;
- Photocopy the order and return the original to the employee;
- Ensure that the employee is in compliance with any workplace restrictions, particularly those concerning possession of firearms or contact with any other employee; and,

Note: Upon receipt of the OSC/TRO, obtain a Department of Justice Automated Firearms System printout of all firearms registered to the concerned employee and attach it to the copy of the OSC/TRO.

- Forward the copy of the order to the concerned commanding officer with documentation of any action taken to ensure compliance with the provisions of the order.

Note: Restraining orders involving Department employees are to be treated as confidential personnel matters which should not be documented in detail on a supervisor's log. If detailed documentation is required, it shall be forwarded to the commanding officer on an Employee Comment Sheet, Form 1.77.

Commanding Officers' Responsibility. When notified that an employee in his/her command has been served with an OSC/TRO or OAH, the concerned commanding officer shall:

- Direct the employee to provide the original order (or appropriate court documentation denying the request for the order);
- If needed, provide the employee with appropriate

correspondence stating that the Los Angeles Police Department may seek the termination of any employee who is prohibited from carrying a firearm in the course of his/her duties as a police officer due to a criminal conviction or protective order restriction;

- Review the document and take appropriate action to ensure compliance with the specified provisions or restrictions, (e.g., appropriate reassignment, notification to the commanding officer of another affected Department employee, confiscation of City-owned firearm(s) and/or verification of required surrender of affected personal firearms, etc.);
- Retain one copy and return the original to the employee;
- When appropriate, provide the employee with an Intradepartmental Correspondence, Form 15.02, specifying the date and time of surrender, make, model and serial number of any relinquished City-owned firearm(s);
- Review the document for allegations of misconduct and determine if initiation of a complaint is required; and,
- Forward the copy of the OSC/TRO and follow-up hearing document (via Intradepartmental Correspondence, Form 15.02) through the chain-of-command, to the Commanding Officer, Internal Affairs Group, with a recommendation and rationale for no further action, or initiate a complaint investigation.

Note: If an employee fails to provide the OSC/TRO or follow-up hearing documentation, the concerned commanding officer shall conduct an investigation and determine if any further action, including initiation of a complaint, is appropriate.

838.50 EXPUNGEMENT OR SET-ASIDE HEARING TO RESTORE THE ABILITY TO CARRY A FIREARM. When an employee petitions to restore his/her ability to carry a firearm via an expungement or set-aside hearing, the Commanding Officer, Human Resources Bureau (HRB), or his/her designee, is the **only** person authorized to state the Department's position relative to the restoration.

Any Department employee served with a subpoena to appear in court at an expungement or set-aside hearing in which the Department's position is to be stated, shall comply with the subpoena, and shall also confer with the Commanding Officer, HRB, prior to the proceeding. Any Department employee asked to state the Department's position relative to restoring an employee's

ability to carry a firearm shall not state a position but, instead, shall refer the issue to the Commanding Officer, HRB.

839. SEARCHES OF DEPARTMENT EMPLOYEES DURING ADMINISTRATIVE INVESTIGATIONS.

839.10 ADMINISTRATIVE SEARCHES. These procedures apply only to administrative investigations. Department employees who are arrested will be searched in accordance with the same procedures followed in any other arrest.

839.11 ADMINISTRATIVE SEARCHES-DEFINED.

Clothing Search-Defined. A clothing search is defined as a patdown or physical inspection of any article of clothing worn by an employee.

Note: A clothing search does not include a visual inspection of underclothing or the immediate area of the breasts, buttocks, or genitalia.

Strip Search-Defined. A strip search is defined as a search requires employees to remove or arrange some or all of their clothing so as to permit a visual inspection of the underclothing and the immediate area of the breasts, buttocks, or genitalia.

Note: Department employees shall not be subjected to a body cavity search unless arrested on a charge for which such a search would be legally permissible. The body cavity search shall be conducted only by medically qualified personnel.

839.20 REQUIREMENTS FOR ADMINISTRATIVE SEARCHES.

839.21 VOLUNTARY CLOTHING SEARCH REQUIREMENTS. Supervisors may conduct a voluntary clothing search of Department employees when the following conditions exists:

- There is an allegation of misconduct involving the possibility of criminal activity made against the Department employee; AND,
- There is no less intrusive way of ascertaining the existence or nonexistence of the evidence; AND,

The employee requests to be searched.

839.22 STRIP AND INVOLUNTARY CLOTHING SEARCH REQUIREMENTS. Employees shall not be required to submit to a strip or involuntary clothing search unless all of the following conditions exist:

Special Considerations for Small Jurisdictions

SPECIAL CONSIDERATIONS for SMALL JURISDICTIONS

Development

Police agencies in small jurisdictions are limited in the amount of resources and personnel they can devote to development, implementation, and administration of comprehensive domestic violence programs for law enforcement personnel. However, one advantage small police agencies have over larger jurisdictions is their ability to build strong community relationships through personal connection and frequent contact with local government and service organizations. In addition many small police agencies have established business relationships with police agencies in surrounding local jurisdictions, both large and small. These personal contacts and community service and business relationships are a vital asset to the small jurisdiction attempting to develop or enhance a program.

The general patterns and principles described in the *Important Considerations* chapter, including the importance of involving the community in the development process, are applicable to small jurisdictions. However, in deference to their resource limitations and their community connections strengths, small jurisdictions may need to consider different practical approaches to development, implementation and administration. Interviews with several small police agencies having current policies revealed basically two different approaches, each of which appeared to work well. One approach involves primarily the Chief of Police; the other centers around a cross-jurisdictional committee.

Using the first approach, the chief or a designee personally researches the issue, talks with agency and community stakeholder groups, reviews existing model policies and develops an appropriate policy. The draft policy should be reviewed by stakeholder groups and by the town attorney and/or the prosecuting attorney. (For a list of stakeholder groups, see *Important Considerations* chapter, page 1, paragraph3.) Several Washington jurisdictions using this approach also relied upon the Washington State Association of Sheriff's and Chief's of Police (WASPC) model policy for domestic violence response as a guideline. A copy of one such department policy is included as the next document in this handbook.

Using the second approach, several local jurisdictions form a stakeholder committee and develop a joint program which they all agree to implement. This approach allows smaller agencies to share resources, engage in a community involved process, and create a consistent police response in the local community. In one county the sheriff's office has formed a joint committee including all police departments in the county. The committee also includes various stakeholder groups who are sharing responsibility for researching and developing a domestic violence program and policy that all agencies will follow. They intend to have a section of the policy devoted to domestic violence involving law enforcement personnel.

The guidelines for task forces set out in the *Important Considerations* chapter are applicable to both of the above approaches. For instance: the police department should involve the

community in the development process; stakeholder groups should be consulted and included; consideration should be given to all points of view; goals, priorities and mission statements should be established; and research should be done.

Implementation

The core element in implementation is training and the same training strategies that apply to larger agencies, as described in the *Important Considerations* chapter, also apply to small agencies. At a minimum, smaller police agencies ought to ensure that at least one sworn officer receives generalized domestic violence awareness training (emphasizing power and control dynamics in domestic relationships) as well as specialized training designed to address the nuances of domestic violence by law enforcement personnel.

Currently officers in this state receive intensive training on power and control dynamics during two days of the Basic Law Enforcement Academy. Information about refresher, advanced and specialized training can be obtained from WSCADV and WASPC. See the opening section of this handbook for contact information. Additional training is also currently offered by the Criminal Justice Training Commission (<http://www.cjtc.state.wa.us/>) with “Regional Training” that goes out to the local jurisdictions at no cost.

Agencies with small training budgets may want to focus on ensuring that all personnel and stakeholder groups are aware of the new program and have a copy of the new policy. Agency personnel, intimate partners and families should be apprised of local resources for persons who are struggling with domestic issues (including the statewide domestic violence hotline number); they should be encouraged to seek help; and they should be clearly advised of the consequences for violating the new policies. Confidentiality and reporting requirements should also be clearly conveyed to all agency personnel, intimate partners and family members. It is critical for intimate partners and families to understand the limits on confidentiality for any information they convey to the agency’s victim advocate, other agency personnel or advocates who work in community based service agencies.

Administration

The *Key Components* listed in the *Important Considerations* chapter already contain a number of ideas for small jurisdictions. Small jurisdictions can frequently overcome their limitations by collaborating with other agencies when incorporating the *Key Components* listed in the *Important Considerations* chapter. This not only resolves the financial and practical limitations but also avoids or at least reduces the potential for conflict of interest during investigation and prosecution of criminal charges against a law enforcement abuser. Additionally, this may increase victim confidence in the system as it is likely to provide a higher level of service and accountability than would be otherwise possible.

Collaboration works particularly well in administration of *Key Components 1, 2, 3, 4, 5, and 6* -- investigation, discipline and prosecution. In addition, reporting across jurisdictions is advisable as a service to victims and a courtesy to neighboring agencies. This can be accomplished by requiring agency personnel to report whenever they discover that a sworn officer from any police

agency has committed an act of domestic violence. **If at all possible, the victim should be notified a cross-jurisdictional report is made.** This is necessary to allow time for the victim to plan for her and her children's safety and other possible concerns such as financial consequences or further abuse.

Small police departments can also overcome resource limitations by enlisting volunteers from the community to perform certain functions. For instance, *Key Component 10* suggests that someone be available 24 hours per day to take calls involving law enforcement domestic violence. This function could be performed by on-call community volunteers who are trained in the agency's domestic violence policies, dynamics of domestic violence, emergency safety planning for victims and children, requirements of confidentiality and reporting of abuse and the specific tactics and impact of law enforcement domestic violence. The same principle applies to *Key Component 11*, when the agency cannot provide an employee contact person for the victim.

Conclusion

Small jurisdictions can benefit from their efforts to deal with the issue of law enforcement domestic violence. Years of fostering strong community connections and collaborative relationships with police departments in surrounding jurisdictions are an asset to the small police department.

Thanks to the various small jurisdictions for graciously providing information, policies and time for interviews regarding current policies and programs.

Honorable mention goes to:

Bingen – White Salmon Police Department

- (no website available)

Medina Police Department

- http://www.ci.medina.wa.us/police/police_main.asp

Republic Police Department

- <http://www.republicmo.com/police/>

Thurston County Sheriff's Office.

- <http://www.thurstonsheriff.org/>

Small Jurisdiction Sample Policy

21.6.2 POLICE OFFICER DOMESTIC VIOLENCE

- A. This policy acknowledges that some Police Officers commit domestic violence against their intimate partners. The purpose of this policy is to establish procedures for handling matters of domestic violence and abuse involving police officers. This policy will provide Police executives and Officers guidance in addressing incidents where an employee(s) is a party to a possible domestic violence incident, whether sworn or civilian, of any rank in the Department.

Although the language of the policy speaks to Police Officers, departments are encouraged to apply the principles to all employees whenever appropriate.

- B. The policy takes a continuum approach, seeking first to educate throughout an Officer's career, then prevent, or interdict, domestic abuse situations early on in order to reduce victimization of the partner and increase the chances of Officer career stability.

Where incidents of domestic violence are alleged to have occurred, the department will act quickly to protect the victim, arrest the perpetrator, and conduct parallel administrative and criminal investigations.

This policy delineates a position by the department of absolute intolerance (i.e. zero tolerance) of domestic violence. An Officer found guilty of domestic violence, either through criminal court or an administrative hearing, shall have his/her police powers revoked.

Once implemented, the policy will apply to past convictions, and existing and future Police Officer domestic violence crimes.

- A. *Domestic Violence:* For the purposes of this policy, refers to any act of violence (threatened or actual) including but not limited to:
1. Bodily injury or threat of imminent bodily injury.
 2. Sexual battery.
 3. Physical restraint.
 4. Property crime directed at the victim.
 5. Violation of a court order of protection, or similar injunction.

6. Homicide perpetrated by a Police Officer (on or off duty) or any police department employee upon his or her partner. Partner is defined as any individual with whom the Officer:

- a. Is or was legally married.
- b. Has a child in common.
- c. Is or has cohabitated.
- d. Has or had a dating relationship.
- e. Is specified as such by state law.

Note: Departmental policies concerning all other forms of family violence committed by a police officer should parallel this policy.

D. This policy applies to past convictions for domestic violence, as well as existing and future offenses. In the process of adopting this policy of zero tolerance, departments must review the records of all officers to ensure they are free of domestic violence convictions. Federal law prohibits Police Officers who have been convicted of misdemeanor domestic violence crimes from possessing a firearm.

E. Prevention, Education and Training

The department will adhere to a zero tolerance policy towards Police Officer domestic violence and violations of the policy will not be tolerated. The department will provide training to Officers on domestic violence and the zero tolerance policy throughout all phases of a Police Officer's career.

1. Prevention Through Collaboration

- a. The department shall collaborate with local domestic violence victim advocacy organizations, coordinating councils, and state domestic violence coalitions in the development of domestic violence training curricula and shall use local advocates in the training of officers.
- b. The Department shall collaborate with local and national law enforcement agencies that have already implemented domestic violence training. The information gathered can serve as a guideline for the development of domestic

violence training curricula, and experienced Officers from these jurisdictions can assist in training within the department.

- c. The Department shall provide copies of all departmental protocols and policies on domestic violence to local domestic violence victim advocacy organizations.
- d. The Department shall provide training where requested to local domestic violence victim advocacy organizations on the department's domestic violence policies and protocols.

2. Education

- a. Upon implementation of the policy, all Recruit, Patrol, Internal Affairs Officers, Dispatchers/Communications Officers, Field Training Officers, and Administrative Command/Supervisors shall receive instruction on the following issues/topics:
 - 1. General Domestic Violence Training (to include cultural, racial, gender, and same-sex issues)
 - 2. Domestic Violence Dynamics, Tactics and Behavior Patterns
 - 3. Cultural Dynamics and Potential Barriers to Assistance/Intervention
 - 4. Stalking Tactics and Behavior Recognition
 - 5. Warning Signs of Domestic Violence by Police Officers
 - 6. Domestic Violence Response Protocol
 - 7. Command Notification and Reporting Procedures
 - 8. General Domestic Violence Investigation and Evidence Collection
 - 9. Primary or Dominant Aggressor Determination
 - 10. Officer Safety
 - 11. Victim Rights and Safety

12. Confidentiality Issues
13. Ethical Considerations
14. Criminal and Civil Liability
15. Lethality Assessment and Safety Planning
16. Working with Advocates, Collaboration and Assistance
17. Weapons Removal and Seizure – Legal Issues
18. Cross-jurisdictional Policies and Protocol
19. Intra/Interstate Enforcement of Protective Orders
20. Federal Stalking, Domestic Violence, Immigration and Gun Control Laws

b. Additional Administrative Command/Supervisor Training related to domestic violence should address the following:

1. Department Legal Considerations and Liability
2. Media and Public Relations
3. Criminal versus Administrative Investigations
4. Conducting Lethality/Dangerousness Assessments

3. Training

a. In-Service Training

Departments shall select a series of effective and concise materials on domestic violence for routine dissemination to all personnel. Periodic in-service training on domestic violence and stalking shall be held to review policies and discuss their implementation.

b. Training

Officers shall receive regular instruction about domestic violence and stalking during regularly scheduled training.

4. Program Evaluation

To enhance the effectiveness of the training, departments should work with internal or external research resources to evaluate the training being provided.

F. Early Warning and Intervention

1. Pre-Hire Screening and Investigation

- a. Departments shall conduct thorough background investigations of all potential new employees to determine if elder abuse, child abuse, and/or domestic violence issues exist.
- b. All candidates shall be asked about past arrests or convictions for elder abuse, child abuse, and/or domestic violence-related incidents and past civil protection orders.
- c. Those candidates with a history of perpetrating elder abuse, child abuse or domestic violence shall be screened out at this point in the hiring process.

2. Post-Conditional Offer of Employment

- a. The department shall require a psychological examination of all viable candidates to be performed by an experienced psychologist and/or psychiatrist.
- b. The psychological screening will focus on indicators of violent or abusive tendencies or behaviors in their background.

3. Post-Hire Intervention

When new Officers are hired, the department will offer training that includes families of the recruits to discuss this policy and other issues. Families shall be instructed on whom to call in the department if problems occur.

4. Department Responsibilities

- a. The department shall either in response to observed warning signs or at the request of an Officer provide non-punitive avenues of assistance to officers, their partners, and other family members before an act of domestic violence occurs.
- b. The department shall identify a procedure for making confidential referrals to confidential counseling services either internally or in collaboration with existing community services that have specific expertise in domestic violence.
- c. Officers who disclose to any member of the department that they have personally engaged in domestic violence are not entitled to confidentiality. The report of such criminal conduct must be treated as an admission of a crime and shall be investigated both criminally and administratively.

5. Supervisor Responsibilities

- a. Demonstration of inappropriate aggressive behaviors while conducting police business shall be documented for consideration by supervisors. These behaviors include the following: stalking and inappropriate surveillance activities, unusually high incidences of physical altercations, injuries, or verbal disputes.
 - 1. Supervisors shall maintain close supervision of Officers whose behavior is inconsistent with acceptable standards for on-duty problem resolution.
 - 2. Supervisors shall monitor frequent tardiness and absences.
 - 3. Supervisors shall proactively inquire about all on or off-duty Officer injuries.
 - 4. Supervisors shall immediately make their ranking Supervisor aware of any and all such behaviors.
- b. Supervisors shall be cognizant of and document all behavior, on or off duty, where Officers may be exhibiting signs of possible domestic violence-related problems; including increased use of force during arrests, alcohol and/or drug abuse, increase in controlling behaviors, stalking activity, citizen and fellow Officer complaints of unwarranted

aggression and verbal abuse, and inappropriate aggression toward animals.

1. Supervisors shall immediately make their ranking Supervisor aware of any and all such behaviors.
2. The Chief of Police shall be informed of such circumstances or concerns in a timely manner through the department's chain of command.
3. Supervisors shall prepare and submit written requests for evaluating an Officer's mental and physical well being by suitable professionals when behaviors or circumstances deem appropriate.

6. Police Officer Responsibilities

- a. Officers are encouraged and entitled to seek confidential assistance from the department to prevent a problem from escalating to the level of criminal conduct against an intimate partner.
- b. Officers with definitive knowledge of abuse and/or violence involving fellow Officers must report such information in a timely manner to their supervisor. Failure to do so will subject the Officer to investigation, disciplinary action, and possible sanction and/or criminal charges.
- c. All Officers shall be aware of possible witness or victim intimidation/coercion. Whenever an Officer suspects this is occurring, he/she shall prepare a written report and immediately deliver it to the investigator in charge of the case through the proper chain of command.
- d. Officers who engage in threatening, harassing, stalking, surveillance or other such behavior designed to interfere with cases against fellow officers or intimidate witnesses will be subject to investigation, disciplinary action, and possible sanction and/or criminal charges.
- e. Officers who fail to cooperate with the investigation of a Police Officer domestic violence case will be subject to investigation, and possible sanction and/or criminal charges.
- f. An Officer who falsely reports that any party to a victim of Police Officer domestic violence has committed a crime

(such as child abuse or neglect) will be subject to investigation, and possible sanction and/or criminal charges.

- g. An Officer who is the subject of a criminal investigation, protective or restraining order related to domestic violence, regardless of jurisdiction, is required to report him/herself to his/her supervisor and provide notice of the court dates, times, appearances, and proceedings in a timely manner.
- h. An accused Officer who is the subject of any civil protective order proceeding, whether or not the order is issued and regardless of jurisdiction shall notify his/her supervisor in a timely manner and provide a copy of the order, if issued, to his/her supervisor.

G. Incident Response Protocols

1. Department-wide Response

- a. The department shall accept, document, and preserve all calls or reports, including those made anonymously, involving possible Police Officer domestic violence as "on-the-record" information.
- b. All reports of possible criminal activity implicating Police Officers in domestic violence shall be documented in accordance with the policies governing the handling of all reports of domestic violence by citizens. A criminal incident report shall be completed, including details on date, time, location, circumstances, names (if known), officials notified, and actions taken; a case file number shall be assigned and the report filed.
- c. A copy of the report detailing the possible criminal activity implicating an Officer in domestic violence shall be directed to that Officer's immediate supervisor.
- d. All such incident reports shall be made available by the Department to the involved victim without cost.

2. Communications Response

- a. Communications Officers/Dispatchers shall be instructed to assign top priority to all domestic violence calls, including those that involve or appear to involve a Police Officer of any Department.

- b. Communications Officers/Dispatchers shall document all domestic violence calls received that involve, or appear to involve, a Police Officer and immediately notify the supervisor, regardless of the involved Officer's jurisdiction.
- c. Communications Officers/Dispatchers shall prepare and preserve documentation of the facts and circumstances of the call, including the 911 tape, for use in potential criminal or administrative investigations.
- d. Communications Officers/Dispatchers shall have available current lists of local domestic violence victim advocacy organizations for on-scene supervisors to provide to victims.

3. Patrol Response

- a. Upon arrival on the scene of a domestic violence call/incident involving a Police Officer, the primary patrol unit shall immediately notify dispatch and request a supervisor be sent to the scene, regardless of the involved Officer's jurisdiction.
- b. If the alleged offender has left the scene and probable cause exists, the responding Officers shall:
 - 1. Search the area as appropriate
 - 2. Obtain information from victim, family, and witness as to where the offender may have gone
 - 3. Seek an arrest warrant

4. On-Scene Supervisor Response

- a. A Supervisor shall report to the scene of all Police Officer domestic violence situations, regardless of the involved Officer's jurisdiction.
- b. The on-scene Supervisor shall assume command; ensure that the crime scene is secure and that all evidence is collected, including color photographs. Video documentation of the victim and scene shall be recorded where such resources are available.

- c. In cases where probable cause exists, the on-scene Supervisor shall ensure an arrest is made.
- d. If the offender has left the scene, the Supervisor shall ensure a search is conducted and an arrest warrant is obtained.
- e. Arrest of both parties involved in a domestic violence incident should be avoided. The Supervisor shall ensure that a thorough investigation is conducted and an arrest of the primary aggressor is made in accordance with state law.
- f. Whenever an Officer is arrested, the supervisor shall relieve the accused Officer of his/her service weapon regardless of whether the Officer is a member of the responding department. Where allowable under federal or state ordinances, all other firearms owned or at the disposal of the accused Officer shall be removed to ensure the victim's safety.
- g. Whenever a Police Officer domestic violence call does not result in an arrest, the on-scene Supervisor shall submit a written report explaining any and all reasons why an arrest was not made or a warrant was not sought.
- h. The on-scene supervisor shall ensure the victim is informed of the following:
 - 1. The availability of an on-scene advocate.
 - 2. Availability of confidential transportation to a safe house, shelter, or any other location that ensures victim safety.
 - 3. Procedures for obtaining restraining and/or protective orders and victim rights.
 - 4. The standard of probable cause for arrest, including the signature to appear on the complaint.
 - 5. Judicial process, victim rights, and compensation following an arrest.
 - 6. Written information on community resources and local domestic violence victim advocacy organizations.

5. Additional Critical Considerations

- a. When responding to a domestic violence complaint involving a Police Officer from another jurisdiction, all responding Officers, investigators and supervisors shall follow the same procedures that are to be followed in responding to a domestic violence complaint involving an Officer from their own department. The responding Supervisor shall notify the Chief of Police, or his/her designee, in the accused Officer's jurisdiction verbally as soon as possible and in writing within 24 hours.
- b. In the event that the reported incident involves the Chief of Police, the supervisor shall immediately notify the individual in government who has direct oversight for the Chief; for example, the Mayor.
- c. In responding to domestic violence situations where the victim is a Police Officer, standard domestic violence response and investigation procedures should be followed.
- d. In responding to domestic violence incidents where the parties involved are both Police Officers, standard domestic violence response and investigation procedures should be followed. After probable cause and dominant aggressor are determined, an arrest should be made and all service weapons of the accused Officer confiscated.

6. Department Follow-Up

- a. The supervisor shall, in a timely manner, debrief all officers who respond to a Police Officer domestic violence call. During the debriefing, the Supervisor shall:
 - 1. Review department confidentiality guidelines.
 - 2. Reaffirm that Officers share information only on a need-to-know basis.
 - 3. Establish a clear delineation of assignments in order to assist victims in a coordinated and consistent manner.
- b. Arrest warrants charging Police Officers with domestic assault and civil protective orders issued at a later time shall be served by no fewer than two Officers with at least one being of senior rank to the Officer being served.

- c. On-scene and follow-up investigators shall actively seek out information on existing restraining and/or protective orders and, if found, shall enforce them.
- d. Following the reported incident, the department shall designate a member of the command staff specifically trained in conducting lethality assessment and safety planning to act as a principal contact for the victim. The assigned Officer will keep the victim apprised of the case throughout the adjudication process and provide the victim with a copy of the incident report.
- e. An Officer designated by the Chief of Police shall conduct an assessment to determine the potential for further violence on the part of the accused Officer. Based on the outcome, the department will need to make decisions concerning referrals, duty assignments and administrative actions.

H. Victim Safety and Protection

- 1. Working with community resources and advocacy agencies, the department shall make available all necessary and appropriate services to each victim.
- 2. All Officers shall keep all information concerning victims confidential, including their whereabouts, safety plan, and any communications.
- 3. The Officer shall inquire whether the victim wants any weapons removed from his/her home for safekeeping by the department.
- 4. The Command Staff Officer designated as the victim's principle contact shall conduct a lethality assessment with the victim. The information gained shall be incorporated into the safety plan developed with the victim.
- 5. All Officers shall be aware of the increased danger to victims when the victim leaves an abusive partner, and the designated Command Officer shall caution the victim to be alert to stalking activities on the part of the abuser and assist in safety planning.
- 6. The command staff designated as principal contact for the victim shall inform the victim of confidentiality policies and their limitations, and ensure that confidentiality is maintained throughout the case.

7. All Officers shall be aware of possible witness or victim intimidation/coercion. Whenever an Officer suspects this is occurring, he/she shall prepare a written report and immediately deliver it to the investigator in charge of the case, through the proper chain of command.
 - a. In order to ensure coercion is not being attempted, the investigator in charge shall seek out secondary sources of information.
 - b. Given the likelihood that a victim will recant, supplemental evidence should be sought out and preserved.

I. Post-Incident Administrative and Criminal Decisions

Department shall conduct separate parallel administrative and criminal investigations of alleged incidents of domestic violence involving Officers of this Department. If the facts of the case indicate that domestic violence has occurred or any departmental policies have been violated, administrative action shall be taken separate and distinct from any criminal proceedings as soon as practicable. Independent of the outcome of the criminal case, the department shall adhere to all positions and policies relating to the incident.

The department will adhere to/observe all necessary protocols to ensure an accused Officer's departmental, union, and legal rights are upheld during the administrative and criminal investigations.

1. Administrative Investigations and Decisions

The responsibility to complete the administrative investigation of a Police Officer domestic violence incident shall rest with an investigator appointed by the Chief.

- a. The investigating official shall conduct an administrative investigation, utilizing standards elements of criminal investigations. Witnesses shall be contacted, re-interviewed, and statements recorded; crime scene evidence, photographs, medical records and 911 tapes reviewed. All information shall be fully documented.
- b. Where sufficient information exists, the Department shall take immediate administrative action to intervene, which can include removal of badge, removal of weapon, reassignment, administrative leave with or without pay, or termination.

- c. Where an arrest was not made, but sufficient concern exists, the Department shall initiate an independent administrative investigation and decide the Officer's status, based on the outcome of the investigation.
- d. In determining the proper course of administrative action, a Department shall consider factors such as level of danger an Officer poses to the victim (based on risk assessment measures), an Officer's history of compliance with departmental rules, history of aggressive behaviors, and existence of an alcohol or substance abuse problem.
- e. Pending the outcome of administrative and criminal investigations for alleged acts of domestic violence and/or violation of departmental policies, the Department shall assign the accused Officer to duties that do not require response to domestic violence cases.

2. Criminal Investigations and Decisions

The responsibility to complete a criminal investigation of an incident of Police Officer domestic violence shall rest with the designated investigator.

- a. The Investigating Officer shall conduct a criminal investigation as she/he would for any other criminal violation. Witnesses shall be contacted, statements recorded, evidence collected, photographs taken of the scene and injuries, medical records and any 911 tapes reviewed. All information shall be fully documented.
- b. When appropriate, the Investigating Officer shall conduct sufficient interviews (taped) to determine if criminal charges are justified, to include family members, friends, neighbors, colleagues, or others who may have information, with due consideration of the Officer's and victim's privacy rights
- c. Even though an initial report may already exist concerning an alleged act of domestic violence by a Police Officer, if the victim reports any subsequent or additional criminal activity, each incident shall be documented separately, assigned a case number and investigated thoroughly.

- d. The Department shall completely investigate the charges and where warranted, seek prosecution even if the victim recants the charges.
- e. The Department shall establish a liaison to work with the prosecuting attorney for each case. This Officer shall present the information to the prosecuting attorney for proper action, in a timely fashion and request that the prosecuting attorney, in turn, make timely decisions about the adjudication of the case.
- f. Filing of court papers/complaints shall be requested by the investigating Officer, as with any other case for criminal prosecution.

3. Criminal Conviction

- a. Federal law prohibits Officers convicted of misdemeanor domestic violence assaults from carrying firearms. The Department shall ensure compliance with federal law.
- b. Any Police Officer convicted of a domestic violence crime as defined herein shall have his/her Police powers revoked.

Domestic Violence Safety and Accountability Audit

Summary of Praxis Audit Protocols

What is a Praxis Safety and Accountability Audit?

- *A woman called 911 crying, saying that her husband had just beaten her and she was afraid of him. In the background, the dispatcher heard the man screaming, telling his wife that he was going to, "kick your butt if you don't get out." The dispatcher sent a squad, and the man was arrested for assault. Three months later at the pretrial, the prosecutor had a police report, a recanting victim, and no 911 tape of the man's threats because it had already been erased. The case was dismissed.*
- *A police officer responded to a 911 call involving a woman who had been hit several times in the face and choked. The suspect had fled. The officer filed an investigation report and told the woman that if she wanted to pursue charges, she should call the shelter for help or go directly to the city attorney's office. The man was on probation for assault, but the police officer didn't know it, nor did the 911 dispatcher. The city had no system set up to provide probation officers with investigation reports, so the police report was never forwarded to the probation officer.*

Incidents similar to these are familiar to most people working in civil and criminal court systems, child protection services, public health agencies, and victim advocacy programs. Too often our agencies respond to reports of domestic violence in ways that are fragmented, incident-based, and cumbersome, and that often place the victim in an adversarial relationship to her abuser - leaving victims unprotected by the very agencies designed to protect them.

The 911 call or an application for a civil protection order are the first of dozens of steps taken by practitioners in the legal system. Scores of system workers, representing agencies from federal, state, county or city government, will act on one woman's case before it is closed, and each action taken is an opportunity to centralize or marginalize women's safety. Each time a court worker acts on a woman's case, s/he contributes to the production of the "case," which stands in for the experiences of real peoples lives: the battered woman who hit him back; the children who hid under their beds; the man who hit her, kicked her, and called her demeaning names; and the neighbors who heard her screams and called the police. To best protect battered women, case processing by our institutions should better reflect their real, lived experiences with the violence in their homes.

The Praxis Safety and Accountability Audit (safety audit) is a systematic analysis of how institutions handle case processing which can discover how standard practices obscure or diminish women's experiences of violence and produce outcomes that are problematic for women seeking their assistance.

What a Safety Audit is and is not...

The safety audit, developed by Ellen Pence of the Domestic Abuse Intervention Project in Duluth, Minnesota, is a systematic investigation of one or more points of institutional action on a case, and the ways in which actions by different personnel are coordinated to produce case outcomes. An audit can be limited to a single institutional step in case processing, such as conducting a pre-sentence investigation, or it can investigate a series of steps, for example, each step in the application for a protection order to its issuance or denial by a judge. Similarly, an audit can be designed specifically to uncover a system's biases for or against specific groups of people: ethnic minorities, migrant workers, or people with alcoholism, for example.

A safety audit is a systematic observation and analysis of the intra- and inter-agency routines and the paper trails used in processing “cases” of domestic abuse. *It is not a performance review of individual staff, nor is it meant to uncover personal inadequacies or assess an individual's effectiveness.* An audit examines how the information gathered by staff are recorded, distributed, analyzed, and used by other personnel within the same or complementary systems. Individual staff members may be more or less effective in their own practices, but that is not the point of auditing their work: *it is to see how, when, and if standard institutional practices—both those in job descriptions and those that evolve in work culture—ensure the safety of victims and the accountability of offenders.*

A community can use the safety audit as

- an *organizing* strategy that builds positive inter-agency relationships through the establishment of a non-hostile, problem-solving team process.
- a method of *analyzing* and identifying systemic problems, such as gaps in linkages, resource and training needs, and possible solutions.
- an *evaluation* tool to measure the effectiveness of the community's response in enhancing victim safety.
- a *planning* tool that outlines within the audit findings and recommendations the steps needed to improve the community response to domestic violence.

The Safety Audit Process

An inter-agency team conducts the safety audit, and must include one or several experts on domestic violence that help keep the team and the analysis focused on how victims of domestic violence experience a system's intervention. The scope and organization of the audit process can be tailored to the specific needs of a community. For example: one jurisdiction had an audit team examine one institutional intervention over several months, generating detailed recommendations from their findings; the audit coordinator in another community gathered relevant materials which were submitted to the consultants for analysis, then brought a number of practitioners together for one week to study the results and make initial recommendations for changes within the system as a whole. Regardless of the scope or organization of the safety audit, the process includes the following activities:

Mapping The first task is to determine the scope of the audit and create a series of maps that break down the complicated system of case processing into its different institutional stages. In turn, each of these stages is broken down into smaller subsets or *points of institutional action*, for example: the pretrial release agent's interview with the defendant, agent's interview with the victim, agent's recommendation to the court, public defender's arguments, judge's determination. These maps guide subsequent audit team's observations and interviews with agency staff, and chart the paper trails generated by agency staff.

Interviews & Observations The auditors interview practitioners and observe practices within the present system. Auditors need both these methods because interviews alone typically elicit descriptions of what people are *supposed* to do, but commonly ignore important actions that people *actually* undertake. Observation, combined with interviews, ensures that auditors draw a faithful map of the points of institutional action that are really in use. Auditors and agency staff members play co-investigative roles. Auditors emphasize to staff that their perspectives and insights into their own jobs are very helpful and encourage them to state their views on how victim safety can be better served.

Text Analysis Experiential methods only go so far in drawing an accurate map of how a victim's experience becomes interpreted by the system. To complete the picture, auditors look at how the paper trail created by each agency serves these goals. Written reports eventually substitute for a victim's experience, so an analysis of what they leave in—and leave out—is essential to the audit process. Since a victim's experience is textually mediated within the system, it is important to look at every form that is used, produced or referenced at each point of institutional action. For example, an

audit of fifty domestic violence police reports will discover the pattern underlying those reports —what one police officer calls “the invisible format.”

Audit Outcomes

The findings of each safety audit can be used by a community to guide a process of policy and protocol development that creates more appropriate and effective institutional responses to domestic violence cases. The data collected at each point of examination —mapping, interviews, observations, and text analysis— ultimately helps the team identify how to build standards of practice that focus on victim safety into everyday work routines. Perhaps most importantly, the process itself can become the system's model for interagency cooperation that forms the basis of a cohesive, community-wide focus on victim safety and offender accountability.

Staffing a Safety Audit

While the scope and organization of the safety audit will be tailored to a community's needs, each audit involves local audit team members and an on-site audit coordinator. Praxis International provides training and ongoing technical assistance to audit teams in partnership with the Battered Women's Justice Project.

The Role of Audit Team Members

The audit is an interagency process derived from and organized by key players in the institutions involved in responding to domestic violence. Therefore, depending on the audit's scope, relevant agencies need to designate staff to participate and devote some amount of their time to the effort. An inter-agency team conducts the safety audit, and must include one or several experts on domestic violence that help keep the team and the analysis focused on how victims of domestic violence experience a system's intervention. If a community does not enjoy strong representation by experienced domestic violence advocates, audit organizers should solicit help from the consultants on how to address this problem. The audit team members will participate in the activities of mapping, observing, interviewing, and text analysis as determined by the scope and organization of the audit.

The Role of the On-site Audit Coordinator

Regardless of the audit's scope, managing and collecting the volume of information needed for analysis requires quite a bit of organization. An on-site audit coordinator creates the overall structure for the auditing process as well as performs many preliminary tasks before the auditors begin interviewing and observing. It will be easier for overworked practitioners to commit their time to the process if the safety audit is well-organized, with scheduled interviews, efficient meetings, and clear procedures. The coordinator also serves as the primary contact for the consultants. In each community that undertakes a safety audit, an on-site audit coordinator should be appointed or hired, either part-time or full-time depending on the scope of the audit. The person selected should have certain skills: well-organized, analytical, diplomatic, an excellent communicator and meeting facilitator, and a good negotiator. The audit coordinator will also attend a training session to prepare her/him for this role.

The Role of Praxis International

Praxis consultants are available to provide a range of services to ensure the audit's success. The package of services, which will be tailored to the community's specific needs, can include: guidance in deciding on the scope and organization of the safety audit, training and consultation as needed for the on-site audit coordinator, training on-site for the audit team members, guidance on organizing the audit activities, text analysis of relevant documents, consultation on developing recommendations for change and writing the report on audit findings, and ongoing consultation on the implementation of recommendations. The consultations will be conducted on-site and through individual or conference calls, or videoconferences.

What will a safety audit cost?

It's difficult to estimate the exact costs for a community because a safety audit can vary so much in scope, the tasks assumed locally, and the services requested of the Praxis consultants. As a very general estimate, training and technical assistance for an audit of limited scope, staffed by an on-site coordinator who manages the audit and data gathering process efficiently, will cost between \$10,000 to \$30,000, depending on the range of text analysis needed and the amount of training, mentoring, or other services required from the consultants.

Praxis staff will assist the representatives of an interested community in deciding on the scope and structure that seems appropriate for your unique situation. Once all of these options are thoroughly discussed, a contract will be developed outlining the agreed upon scope of the safety audit, the specific services that will be provided by Praxis (and/or BWJP our partner organization), the responsibilities assumed by the community, and the exact cost.

In addition, the participating community agencies should anticipate some costs related to the dedication of staff time to conducting the audit and the follow-up efforts required to fully implement the audit findings. Again, this will vary depending on the audit's scope and duration.

How to get started...

For information on audit training and consulting services contact the Praxis International Safety Audit Coordinating Consultant, Cyndi Cook, at safetyaudit@msn.com or (612) 822-2394.

"The Duluth Safety & Accountability Audit; A guide to Assessing Institutional Responses to Domestic Violence" is available from The National Training Project, Minnesota Program Development Inc., 202 East Superior St, Duluth. MN 55802. 212-722-2781

Fatality Review Information

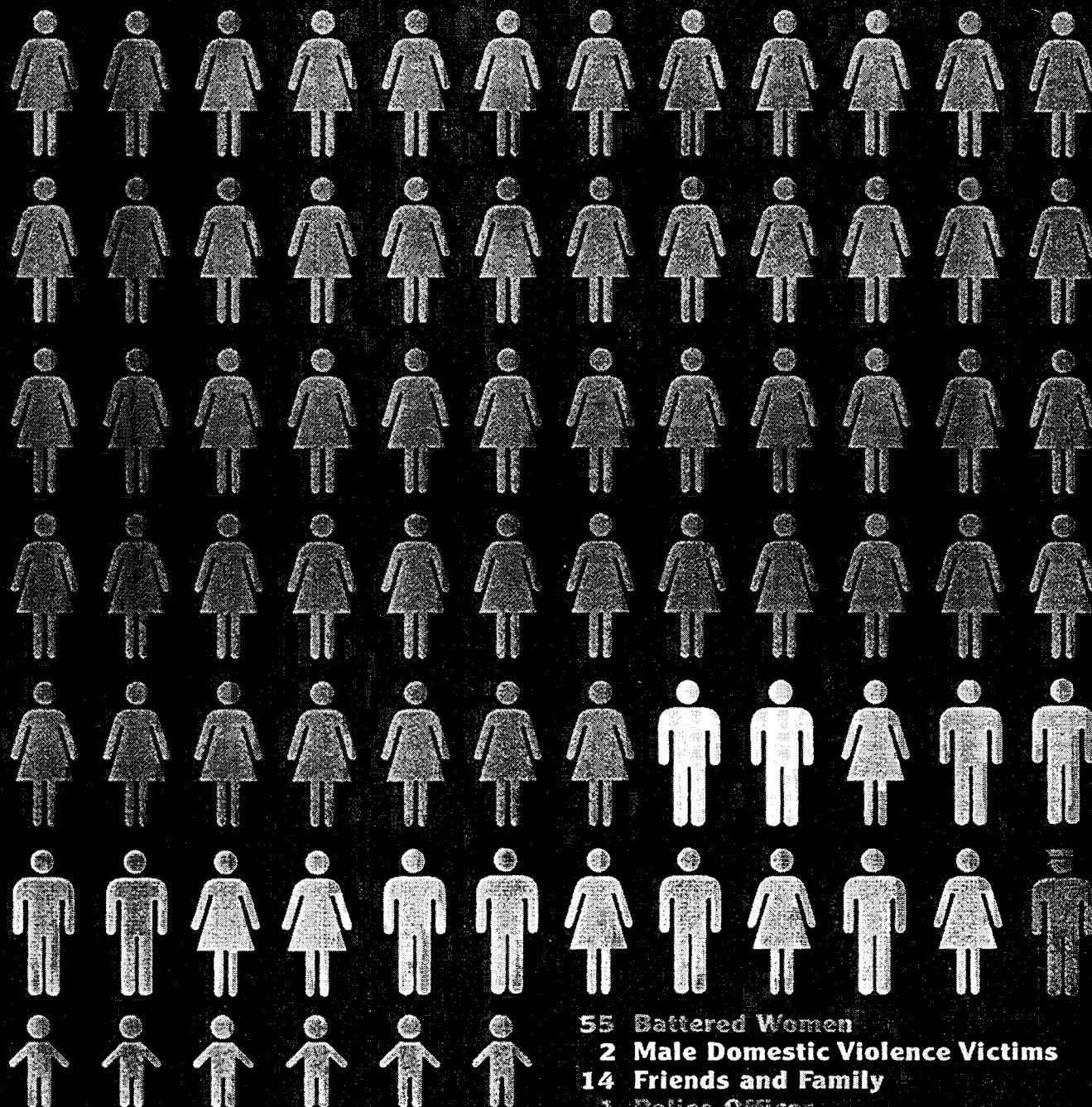
**Washington State Coalition Against Domestic
Violence (WSCADV) – Executive Summary of
December 2002 Fatality Review**

"Tell the world what happened to me."

- Maria Teresa Macias (1959-1996)

Findings and Recommendations from the Washington State Domestic Violence Fatality Review

December 2002



Fatalities from 9/1/2000 through 8/31/2002

**Margaret Hobart for the
Washington State Coalition Against Domestic Violence**



9/20/00, Betty
Virginia Poole, 76,
shot by her husband

EXECUTIVE SUMMARY

Since 1997, at least 209 people died at the hands of domestic violence abusers in Washington state. Consistent with national trends, about one-third of women who are murdered in Washington are killed by their current or former intimate partner.³ While men killing their female current or former intimate partner comprises the largest portion of domestic violence-related homicides, we cannot understand the true death toll of domestic violence unless we also examine the many other homicides which take place as abusers seek to control their intimate partners. The children, friends and families of victims of domestic violence are at risk when abusers become homicidal.

The Domestic Violence Fatality Review's (DVFR) primary goals are to: promote cooperation, communication and collaboration among agencies investigating and intervening in domestic violence; identify patterns in domestic violence-related fatalities; and formulate recommendations regarding the investigation, intervention and prevention of domestic violence. We seek to do this by bringing together locally based, multi-disciplinary review panels for a detailed examination of domestic violence fatalities. These panels focus on the events leading up to the homicide; they seek to identify gaps in policy, practice, training, resources, information and collaboration. Information generated by in-depth reviews of eleven domestic violence fatality cases conducted between January 1, 2001 and August 31, 2002 forms the basis for the specific findings in this report. However, the sum of our experiences reviewing a total of forty-one cases since the inception of the DVFR provides the foundation for the entire report.

This report is the DVFR's second to issue findings and recommendations. The first report, *Honoring Their Lives, Learning from Their Deaths*, was released in December 2000.⁴ The findings and recommendations from the 2000 report continue to be relevant; this report should be considered its companion, not its replacement. In the 2000 report we noted that: "We do not know if a model coordinated response to domestic violence could have saved the

battered women, or their children, friends and family from being murdered. We do know that none of the victims experienced a model response to domestic violence." This continues to hold true in our more recent findings; Fatality Review panels frequently identified large gaps in community response to the abuse victims experienced prior to their deaths. Chief among these were the following:

- A lack of contact with community- or system-based domestic violence advocates.
- Friends, family and neighbors who knew about the abuse but did not know how to support the victim and help her obtain safety.
- The failure of intervening professionals (police, prosecutors, judges, doctors, social workers and counselors) to recognize the danger abusers' suicidal threats and behaviors represented to their families. We have found that abusers are suicidal in about one-third of domestic violence fatality cases. A quarter of domestic violence fatalities are homicide-suicides.
- Criminal justice system response to abusers that was weak, inconsistent and did not contribute significantly to victim safety. Abusers rarely faced consequences for non-compliance with the (often minimal) terms of their sentences for domestic violence assaults committed prior to the murders.
- The significant barriers to accessing help from the criminal justice, civil justice and social service systems that domestic violence victims with limited English proficiency faced. Higher rates of domestic violence homicides in Asian and Hispanic populations reflect the sometimes lethal consequences of these barriers.
- Civil courts ill-prepared to oversee the formulation of parenting plans which would protect the safety of the victims and their children when victims did leave their abusers and filed dissolutions or obtained protective orders, and a lack of access to representation in civil matters.

³ Data from the Washington Association of Sheriffs and Police Chiefs (WASPC), Uniform Crime Reporting Section, *Crime in Washington* annual reports.

⁴ Washington State Coalition Against Domestic Violence, *Honoring Their Lives, Learning from Their Deaths: Findings and Recommendations from the Washington State Domestic Violence Fatality Review*, by Margaret Hobart (Seattle: WSCADV, 2000). To obtain a copy of the previous report or additional copies of this report, see the Coalition's website at <http://www.wscadv.org>.

Below are our top-priority recommendations. These are followed by a complete listing of all the recommendations in the report.

A NOTE ABOUT THE RECOMMENDATIONS:

While the findings in this report come directly from the observations of Fatality Review panel members, the recommendations do not. Review panels are not recommendation-making bodies. Rather, they focus on identifying issues and gaps in response to domestic violence. The recommendations contained in this report were formulated in conversation with a series of advisory groups convened over the last year. This report could not have been written without the important contributions review panel members and advisory group members made. However, the Washington State Coalition Against Domestic Violence takes full responsibility for the recommendations contained herein, and the reader should note that some DVFR panel or advisory group members may have differing opinions about what should be done to rectify the problems identified during the course of reviewing individual cases.

KEY RECOMMENDATIONS

1. All courts issuing civil Protection Orders should establish advocacy in their Protection Order offices, and ensure that advocates have extensive training in how to assist women in safety planning.
2. Domestic violence programs should increase their outreach and services to friends and family of domestic violence victims in order to increase the capacity of people in the community to support battered women.
3. Sentences for domestic violence offenders should send a clear message that domestic violence is a crime and abusers will be held accountable. Because the bulk of domestic violence cases are prosecuted as misdemeanors, any additional funding directed toward the criminal justice system for improving response to domestic violence should be put into probation and post-sentence supervision for misdemeanor domestic violence cases.

4. Law enforcement agencies should be mandated to work with their community to come up with a plan for providing equal protection and access to Limited English Proficient individuals in their community.
5. Courts should employ well-trained evaluators who can provide assistance to judges in civil proceedings by conducting thorough assessments for domestic violence and providing recommendations regarding custody and visitation which protect the safety of domestic violence victims and their children.
6. In order to increase judicial accountability to the community, the state should provide funding (or seek federal funding) for court watch programs. These programs should be based in local domestic violence agencies or collaborate closely with them.
7. Health professionals, psychologists, counselors, suicide specialists, batterer's treatment providers, medical providers, law enforcement, prosecutors, mental health professionals and domestic violence advocates should work together to establish protocols for identifying the combination of suicide and domestic violence and responding in ways that minimize the danger that suicidal domestic violence abusers pose to intimate partners, children and others.

SUMMARY OF RECOMMENDATIONS

A summary of recommendations follows. Please note that each section of the report explains in detail how our findings led us to make these recommendations.

9/22/00.

Anastasia Soloveva King,
20, strangled by her husband's
male lover



10/8/00,
Sheri Kay Wolf, 31,
 stabbed by her boyfriend

FRIENDS, FAMILY, NEIGHBORS: COMMUNITY

Increasing the Capacity of Friends, Family and Neighbors to Support Domestic Violence Victims

- ▼ All organizations mounting public education campaigns regarding domestic violence should include messages about building the capacity of friends, family and neighbors to support battered women and (when safe) encourage change on the part of the abuser.
- ▼ Public education should provide people with concrete examples of how to recognize the level of danger, intervene and support a victim of domestic violence.
- ▼ Domestic violence agencies should critically examine their philosophies, mission statements, policies and procedures and eliminate barriers within their agency to providing support to friends and family of battered women.
- ▼ Domestic violence agencies should consider providing support, problem-solving strategies and information to friends and families as an important part of their work.
- ▼ Rather than seeing themselves as the victim's support network, domestic violence agencies should assist domestic violence victims in building support networks in their community among friends, family, neighbors and co-workers.
- ▼ Domestic violence advocates should consistently ask battered women if they can help them talk to their support system about the abuse and how their support system can help them (and their children) stay safe.
- ▼ Funders of domestic violence agencies should see building the capacity of communities surrounding battered women to respond to domestic violence as a legitimate and important part of domestic violence agencies' work.
- ▼ When on the scene of a domestic violence crime, law enforcement should hand out domestic violence referral information to witnesses, friends, family and neighbors who are also present.
- ▼ Curricula and trainings focused on effective advocacy should address working with family and friends to increase their capacity to support battered women.
- ▼ Domestic violence programs throughout Washington state need more information about strategies and models for community organizing-based approaches

to domestic violence prevention and intervention.

- ▼ Domestic violence programs should develop "best practices" models for friends and family which emphasize working collectively, deciding who to involve, obtaining expert help with clarifying the issues and problem solving, deciding when (and when not to) call law enforcement, and safe, ethical communication with battered women and abusers.
- ▼ Domestic violence advocates and others concerned about domestic violence should consider creative ways to harness new money aimed at strengthening families and direct it toward victim safety and abuser accountability.
- ▼ Federal programs promoting fatherhood and marriage should refrain from blanket statements and promotional materials which imply any father is better than no father, or that marriage is always superior to single parenthood.

Understanding and Addressing Community Reluctance to Involve Law Enforcement When Witnessing Abuse

- ▼ Everything possible should be done to protect the identities of people who call 911 to report crimes.
- ▼ Callers to 911 should be informed of the policy to protect the identity of the caller.
- ▼ Crime prevention-oriented public education campaigns should address people's fears regarding confidentiality and safety when they call law enforcement.
- ▼ Policy makers and community members should recognize the corrosive effects widespread availability of guns have on the social fabric of communities and seek to minimize access to guns.
- ▼ Police, prosecutors and judges should all enforce federal and state laws intended to deprive abusers of access to weapons.
- ▼ Block Watch organizers should raise and address the issue of domestic violence and other forms of family violence (e.g., child abuse and elder abuse), help neighbors develop a common understanding of how they want to respond to these problems, and be sure that everyone knows about the resources available for domestic violence victims in their communities.



10/11/00, Babette Y. Castillo,
40, beaten and stabbed by her
boyfriend

- ▼ The state should oversee the creation of model discussion guidelines regarding domestic violence for law enforcement representatives to BlockWatch meetings.
- ▼ Policy makers, community leadership, domestic violence agencies and law enforcement agencies should recognize that poor policing practices, strained police/community relations and lack of police accountability to the community all expand abusers' power because victims and others are reluctant to call the police as a result.
- ▼ Policy makers, community leadership and domestic violence advocates should pair calls for vigorous law enforcement response to domestic violence with calls for rigorous law enforcement accountability to the community around issues of brutality, bias, racial profiling and cooperation with Immigration and Naturalization Service (INS).
- ▼ Domestic violence agencies should ally with organizations working for greater police accountability in their communities.
- ▼ Law enforcement agencies should have clear policies of non-cooperation with INS and make sure that immigrant communities in their jurisdiction are informed about these policies.

THE NEED FOR FOCUSED PREVENTION EFFORTS

- ▼ State government and local communities need to commit to focused prevention efforts which mobilize support and resources around children exposed to violence and/or who show signs of being violent themselves.
- ▼ Policy makers should move from a punitive to preventative model for violence. Prevention is more effective, more humane, and in the long run, more cost efficient.

WEAPONS

- ▼ Each jurisdiction in the state should establish a protocol for gun removal and destruction for (at minimum) all convicted domestic violence offenders.
- ▼ Each jurisdiction should establish a protocol for gun removal and storage for domestic violence offenders subject to protective orders, and offenders on probation or court supervision with suspended or continued sentences.

- ▼ Protocols should address methods for identifying gun possession (e.g., searching licenses, asking victims), use of court orders and search warrants to compel surrender of weapons, processes for offenders to voluntarily turn over weapons to law enforcement and destruction schedules.
- ▼ The "special request for law enforcement" section of Protection Orders should include the option to ask for help in removing guns from the respondent's home.

HOMICIDE-SUICIDE

- ▼ Every professional (Child Protective Services, mental health, law enforcement, prosecutors, probation, medical personnel, substance abuse treatment providers, domestic violence advocates, housing advocates, Temporary Aid for Needy Families workers) who may come in contact with domestic violence perpetrators or victims should understand the increased risk of homicide when suicide and domestic violence coexist and be prepared to accurately identify this combination, as well as respond to it in ways that increase victim safety.
- ▼ Health professionals, psychologists, counselors, suicide specialists, batterer's treatment providers, medical providers, law enforcement, prosecutors, mental health professionals and domestic violence advocates should examine their institution's/discipline's policies and practices to identify:
 - ◆ Barriers to identifying the combination of suicide and domestic violence
 - ◆ Barriers to taking concrete steps to increase victim safety when the combination is identified
 - ◆ Barriers to collaboration with other professionals when responding to suicidal abusers
- ▼ Professionals across disciplines should work together to establish protocols for:
 - ◆ Identifying the combination of suicide and domestic violence
 - ◆ Responding in ways that minimize the danger that suicidal domestic violence abusers pose to intimate partners, children and others

- ▼ All suicidal men should be screened for a history of domestic violence.
- ▼ Professionals should act on their duty to warn the current or former intimate partner of the increased risk of homicide when they come into contact with an individual whose history of suicidal behaviors coexists with a history of domestic violence.
- ▼ Advocates should always ask a victim about the abuser's suicidal behaviors. If there is a history of suicidal ideation, they should inform/educate women about the risk of homicide and intensify safety planning.
- ▼ Judges should use all the tools at their disposal to ensure the removal of firearms when abusers are suicidal.
- ▼ Everyone who intervenes should take as much responsibility as possible for responding to the danger suicidal abusers pose.

Homicide and Suicide Threats and Protection Orders

- ▼ Courts should ensure that the minority of petitioners who mention homicide threats, and the even smaller number who mention suicide threats, are connected to advocacy, made aware of their increased danger given these threats and supported to engage in immediate and detailed safety planning.
- ▼ Judges should order that abusers surrender their guns when granting Protection Orders.
- ▼ Protection Order advocates should inquire specifically about homicide and suicide threats, inform women of their increased danger if these are being made and safety plan accordingly.
- ▼ Safety plans for women reporting homicide and suicide threats should include getting weapons out of the house and car.



11/12/00, Tina Wallace, 39,
beaten and strangled by
a male friend

CHEMICAL DEPENDENCY AND MENTAL HEALTH ISSUES

Barriers to Effective Support

- ▼ Domestic violence and chemical dependency programs should partner with one another to provide cross-training as well as services to one another's clients.
- ▼ Domestic violence and chemical dependency programs should develop policies and procedures that maintain safety for all program participants while providing services to substance-abusing domestic violence victims.⁵
- ▼ Providers need to be aware of the increased risk to victim safety when a domestic violence victim is working towards sobriety, and thereby reducing the abuser's control. Domestic violence agencies and chemical dependency programs should coordinate safety plans and relapse prevention plans accordingly.
- ▼ Community education regarding domestic violence should inform people of the dangers of domestic violence, the importance of taking threats seriously, the increased lethality when substance abuse is involved and the community resources available for victims, their friends and families.

Interactions with Law Enforcement

- ▼ Domestic violence and chemical dependency programs must take into account the fact that calling 911 may not be an option for women dealing with substance abuse, and assist the victim in developing alternative safety-planning strategies.
- ▼ Domestic violence programs should provide outreach to women in chemical dependency treatment programs, jails, prisons and homeless shelters in an effort to reach women who are not being connected with domestic violence services.
- ▼ Chemical dependency treatment programs should provide outreach to women in domestic violence programs, jails, prisons and homeless shelters.
- ▼ Law enforcement officers should be held accountable for following their department's domestic violence policy, regardless of any biases or judgments about mentally ill and/or chemically addicted women they may personally hold.

⁵ Good models exist both locally and nationally for such policies: the Washington State Coalition Against Domestic Violence (www.wscadv.org) can assist agencies in identifying relevant models.

The Combination of Chemical Dependency, Mental Health and Domestic Violence

- ▼ Probation department units focusing on domestic violence, chemical dependency and offenders with mental health issues should be linked so that the cases can all go through one probation officer, increasing the ability of that probation officer to hold the defendant accountable for treatment and to more effectively track compliance.
- ▼ Substance abuse treatment should never be mandated in lieu of batterer's treatment.
- ▼ Treatment providers should not rely on a client's self-report regarding the severity of domestic violence. Particularly when offenders are attending programs on court order, providers should obtain criminal histories from probation officers and/or public records.
- ▼ Chemical dependency programs should screen for domestic violence and refer abusers to batterer's treatment when it is identified.

Family and Couples Counseling

- ▼ Prior to family (or couples) counseling sessions, chemical dependency treatment providers should screen each family member individually for domestic violence. If domestic violence is identified, traditional family counseling should not be a part of the treatment plan, and providers should develop individual safety plans with family members, including children.⁶
- ▼ Chemical dependency and domestic violence programs should form collaborative partnerships in order to assist in the development of screening tools.
- ▼ Substance abuse programs providing counseling to family members should routinely provide information and referrals to local domestic violence agencies.
- ▼ Substance abuse and mental health providers should always screen individually for domestic violence and avoid offering couples counseling when it is identified.
- ▼ When consulted on a criminal domestic violence case, mental health providers should recognize that judges take their recommendations very seriously, and therefore should only make such recommendations after receiving extensive domestic violence training or consulting with a domestic violence agency.

- ▼ Judges should check mental health providers' qualifications when accepting their recommendations regarding domestic violence. They should inquire into whether the mental health provider has received training on domestic violence, whether they are qualified to make recommendations in this area, and what information the mental health professional gathered prior to making the recommendation.

STALKING

Educating Friends and Family

- ▼ Domestic violence agencies should include stalking in brochures and other outreach information, discuss stalking as a part of abusers' tactics and inform people that they can call a domestic violence agency for support and safety planning around stalking.
- ▼ Domestic violence agencies should extend safety-planning efforts to include friends, family, co-workers and neighbors of the victim.
- ▼ Domestic violence agencies should designate at least one advocate to receive specialized training on stalking, and develop it as their area of expertise.
- ▼ Domestic violence agencies should track the number of clients and crisis line callers who are victims of stalking, in order to generate prevalence statistics to assist with community education and to identify the need for resources.

Criminal Justice System Response to Stalking

- ▼ Prosecutors should file stalking charges more frequently and consistently.
- ▼ When an abuser has stalked the victim in addition to some other crime (assault, violation of a Protection Order), prosecutors should charge stalking as a separate crime.

11/14/06, Debra Gordon,
age unknown, shot by her male
roommate of twelve years

⁶ According to the American Medical Association, 75% of wives of alcoholics have been threatened and 45% have been physically assaulted by their husbands, highlighting the need for appropriate response to domestic violence in substance abuse treatment programs. See the AMA's *Diagnostic and Treatment Guidelines on Domestic Violence* (Chicago: American Medical Association, 1994).



11/28/00, Carmen Ruiz, 28, shot by her husband

- ▼ Law enforcement officers should record stalking as a separate crime on their reports.
- ▼ Law enforcement should receive specialized training on recognizing and documenting stalking, collecting evidence and documenting the victim's fear and extreme emotional distress.
- ▼ State-level criminal justice agencies, such as the Washington Association of Sheriffs and Police Chiefs and the Washington Association of Prosecuting Attorneys, should work collaboratively with domestic violence organizations to develop model protocols for criminal justice response to stalking.
- ▼ Assigning a specific detective to each stalking case is a "best practices" model that should be routinely followed. Patrol officers should be trained to inform victims to call 911 to report incidents of stalking, have officers take a report and assign a case number, and then inform the assigned detective of each new incident.
- ▼ Law enforcement agencies should identify an officer who can receive additional training on stalking and become an in-house expert.
- ▼ Domestic violence agencies, law enforcement and prosecutors should develop and distribute tools that assist victims in documenting stalking, such as a stalking log.
- ▼ Law enforcement, prosecutors and the courts should routinely provide stalking victims with information on resources available for safety planning and support.
- ▼ Stalking victims should not appear in person at court hearings for criminal cases or civil court orders. The court and prosecutor's office should routinely arrange for stalking victims to participate in court hearings via telephone conference calls, rather than in person, to avoid rewarding the stalker with additional contact.

HOLDING ABUSERS ACCOUNTABLE

Meaningless Processing of Cases

- ▼ Sentences for domestic violence offenses must impose consequences on the abuser that send a clear message that domestic violence is a crime and abusers will be held accountable (e.g., jail time, work release, intensive probation).
- ▼ Domestic violence sentences should include frequent post-sentencing reviews by the court which involve both the judge and (if available) the probation officer assigned to the case.
- ▼ Domestic violence assaults that involve weapons and injuries should be prosecuted as felonies.
- ▼ Because the bulk of domestic violence cases are prosecuted as misdemeanors, any additional funding directed toward the criminal justice system for improving response to domestic violence should be focused on probation and post-sentence supervision for misdemeanor domestic violence cases.
- ▼ Monitoring domestic violence cases should be a priority for community corrections, since it is likely that the perpetrator will repeatedly assault the victim.
- ▼ Local jurisdictions should establish misdemeanor domestic violence probation programs which are staffed such that intensive monitoring can take place.⁷
- ▼ When making a determination regarding the frequency and intensity of monitoring, probation departments should examine the entire criminal history of domestic violence offenders, as well as Protection Orders filed against them, rather than focusing solely on the incident leading to conviction.
- ▼ Community corrections officers should strive to make contact with the victim, and inform her regarding her options if they feel the abuser is violating the terms of their sentence.

Meaningful Sentences for Domestic Violence Offenses

- ▼ Judges should not rely on Stipulated Orders of Continuance or suspended jail time unless the resources exist for close, timely and automatic review of the case.

⁷ The Washington State Coalition Against Domestic Violence has published model guidelines for all jurisdictions to follow in post-arrest supervision of domestic violence offenders. Washington State Coalition Against Domestic Violence, *Post-Arrest Model Response for the Supervision of Domestic Violence Offenders*, by Roy Carson (Olympia, Washington: WSCADV, 1999).



12/14/00. Norma Romero, 25.
strangled by her boyfriend

- ▼ If offenders do not comply with the terms of their sentences, then judges should immediately revoke suspended sentences and impose jail time.
- ▼ Jail space should be prioritized for violent offenders with a high likelihood of recidivism, such as domestic violence offenders.
- ▼ Judges should avoid imposing fines for domestic violence crimes in cases where the offender and victim share finances.
- ▼ If the resources and expertise exist within a probation program to monitor it, then judges should consider work release as an alternative to suspended sentences when it seems that the perpetrator's income is important for the domestic violence victim's well-being.
- ▼ Work release should only be considered if the safety of the victim during the time the perpetrator is out of the program can be ensured. Ideally, this would be determined by an advocate within the prosecutor's office, in conversation with the victim.

Batterer's Treatment and Batterer Accountability

- ▼ Domestic violence offenders should never be sentenced to "anger management" or other non-state-certified treatment programs. If the court wishes them to seek treatment, the sentence should clearly state that it must be from a state-certified domestic violence perpetrator treatment program.
- ▼ Judges, probation officers and batterer's treatment providers must acknowledge that batterer's treatment is not appropriate in every case, is not available for every abuser and is not effective for many abusers.
- ▼ Judges should only require batterer's treatment when well-run, certified programs in the abuser's native language are available; the abuser is amendable and appropriate for treatment, and the violence in the relationship is in the early stages and has not escalated to severe physical violence.
- ▼ Judges and prosecutors should develop a variety of sentencing options for abusers, which should include treatment in a state-certified program, frequent court review, jail time, work release, electronic home monitoring, a combination of jail and treatment (or

domestic violence treatment in jail) and/or intensive probation.

- ▼ Jails should consider establishing "in-house" batterer's treatment programs, so that perpetrators could begin receiving treatment while in jail.

Access to Justice for Limited English Proficient Domestic Violence Victims

- ▼ Children should never be asked to translate.
- ▼ Consistent with our state law, law enforcement agencies should conduct investigations of domestic violence crimes with qualified interpreters.
- ▼ Law enforcement training on domestic violence should emphasize using appropriate sources of translation, and avoiding use of friends, children, or family members as translators on domestic violence calls.
- ▼ Domestic violence organizations and/or coalitions of social service providers may want to consider creating a pool of paid, on-call translators with specialized domestic violence training who can be available to the police, prosecutors and probation officers, as well as community-based organizations.
- ▼ Law enforcement agency policies regarding obtaining translation at crime scenes should be clear and training provided.
- ▼ Law enforcement agencies should hold officers accountable for conducting inadequate investigations when they fail to follow policies regarding translation.
- ▼ Officers should obtain a complete statement from the victim at the scene of every domestic violence crime. When language barriers exist, officers should let the victim write out a statement in their first language, or if literacy is a concern, record the victim's statement in their own language, using the AT&T Language Line to interpret their questions if necessary. Law enforcement agencies should equip officers with digital or tape recorders for this purpose.
- ▼ Personnel in government institutions should reflect the community they are serving. All parts of the criminal justice system should prioritize hiring people who can communicate with Limited English Proficient (LEP) individuals in their population.
- ▼ Law enforcement agencies should be mandated to work with their community to come up with a plan for providing equal protection and access to LEP individuals in that community. These plans should be made public.

- ▼ Law enforcement agencies should strive to create partnerships with local resources, like university language departments, in order to obtain interpretation and translation assistance.
- ▼ Law enforcement agencies should consider using federal Violence Against Women Act monies to hire court-certified interpreters.⁸
- ▼ Law enforcement agencies should be aware that federal anti-discrimination law prohibits discrimination on the basis of national origin, which includes discrimination on the basis of English proficiency.⁹
- ▼ When taking a call from a cell phone, 911 call takers should always read back addresses, saying each number individually, to verify they have understood the caller (e.g., one, nine, two, five Maple Street).
- ▼ Community-based agencies and providers of English as a Second Language classes should educate LEP individuals about how to make use of 911 and the availability of interpreters when they call 911.

Pattern Identification and Danger Identification Within the Criminal Justice System

- ▼ When the tools exist to examine histories and patterns of behavior (such as access to computerized information regarding prior arrests, charges, convictions, criminal No Contact Orders, civil Protection Orders and Anti-Harassment Orders), investigators, prosecutors and judges should make use of these tools.
- ▼ Law enforcement officers, prosecutors and judges should examine histories and patterns of behavior in domestic violence cases when assessing for danger and considering how to proceed (e.g., asking the victim about abuse history and consistently making use of computerized databases).
- ▼ The Washington Association of Prosecuting Attorneys should create and disseminate model guidelines for prosecutors on how to bring multiple events to light when prosecuting and sentencing domestic violence-related crimes.
- ▼ Judges and prosecutors should be aware that *State v. Grant*, 83 Wn. App. 98, 920 P.2d 609 (1996) supports admission of prior acts of domestic violence for the purpose of helping the jury understand the unique characteristics of domestic violence and place the current incident in context.
- ▼ Prosecutors should consider filing stalking charges alongside assault charges more frequently, as this does allow the judge and the jury to see a longer-standing pattern of abusive behavior.
- ▼ RCW 10.99.030.6(b) should be amended to include the directive that officers should obtain a history of prior acts of domestic violence (e.g., death or suicide threats, assaults against victim and others, stalking, protective order violations and other threatening behaviors) from the victim at the scene and from computer records.
- ▼ Officers should be required to fill out supplemental domestic violence forms when they determine probable cause exists to make an arrest.
- ▼ Minimally, domestic violence reports should include a checklist of questions to ask and actions to take like that provided in Washington State's *Model Operating Procedures for Law Enforcement Response to Domestic Violence*¹⁰ and officers should be held accountable for completing these tasks.
- ▼ Law enforcement agencies, prosecutors and community corrections should all identify and allocate funds for personnel to research prior violent crime (domestic violence and non-domestic violence) arrests, criminal and civil protective orders, charges, convictions and dismissals prior to decision making about action on those cases. This information should be taken into account when considering the safety of the victim.
- ▼ Probation departments need to ensure that they have identified the abuser's history. Probation officers' time and support staff allocations should include consideration of the time and effort it may take to track down information across multiple jurisdictions.



12/25/00. Aeriq Flores, six weeks.
beaten by his mother's husband

⁸ The Washington Administrative Office of the Courts offers a certification program for interpreters to work in state court proceedings.

⁹ See "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons," Federal Register, vol. 67 p.19237-19252 (April 18, 2002).

¹⁰ Washington Association of Sheriffs and Police Chiefs, *Model Operating Procedures for Law Enforcement Response to Domestic Violence* (Olympia, Washington: WASPC, revised 1999). Checklist is included in Appendix E-1.

- ▼ Intensity of probationary monitoring in felony and misdemeanor domestic violence cases should be determined by the individual's entire history of domestic violence and other violent crime, not just specifics of the case for which the abuser was convicted.
- ▼ The Washington Association of Sheriffs and Police Chiefs, the Washington Criminal Justice Training Center and the Washington Association of Prosecuting Attorneys should work with the Washington State Coalition Against Domestic Violence to design a model risk assessment checklist for law enforcement officer use on the scene of domestic violence crimes.
- ▼ Law enforcement, 911 call takers, prosecutors, community corrections officers and advocates should obtain training and build expertise regarding lethality risk assessment.
- ▼ Advocates, police officers, prosecutors, probation officers and other professionals in contact with battered women should make the effort to ask victims (separate from the abuser) "What is the meaning of this behavior to you?" if the behavior described does not seem dangerous at face value. Asking this question can encourage women to articulate their fears and make their knowledge about the batterer's motivations and patterns of behavior visible to others.

Releasing Abusers on Personal Recognizance

- ▼ Every effort should be made to contact domestic violence victims and assess for danger before bail is set or an offender is released on personal recognizance.
- ▼ RCW 10.99 should be amended to direct judges to examine a complete criminal history before releasing a defendant in a domestic violence case on personal recognizance.
- ▼ Jurisdictions should improve the information available to both prosecutors and judges in order to inform bail requests and conditions for pre-trial release by making use of available network technologies to make police reports, 911 tapes and photographs available in digital form to prosecutors and judges.

Domestic Violence Incident Reports: The Importance of Quality Information

- ▼ Incident reports for domestic violence cases should include written descriptions that accurately capture the physical and emotional demeanor of the victim,

suspect and children, as well as include a description of the scene, any excited utterances and the victim's version of events.

- ▼ Law enforcement agencies (in collaboration with prosecutors' offices) should consider documenting domestic violence cases with digital cameras and implementing a system of information-sharing via computer networks so that photographs can be immediately available to prosecutors and judges.
- ▼ All policies regarding use of cameras at crime scenes should address the victim's access to and control over the photos.

Information-Sharing and Accountability Across Jurisdictions

- ▼ All jurisdictions should ensure adequate resources to comply with the provisions in RCW 26.50.100(1) and RCW 10.99.040(6) regarding immediate entry of civil and criminal protective orders into computerized systems.
- ▼ Data entry on matters pertaining to violent crimes and violations of civil and criminal protective orders should be prioritized.
- ▼ Courts, municipalities and the state need to continue to work to increase information-sharing capacity between jurisdictions.
- ▼ Judges, prosecutors and probation officers must be committed to making full use of available technology for obtaining information on prior case histories.
- ▼ RCW 10.31 should be amended to add a section specifying that officers shall arrest offenders on assault and domestic violence-related warrants, regardless of where they originated.
- ▼ Law enforcement agencies should change their policies and practice to direct officers to always arrest on assault and domestic violence-related warrants, regardless of where they originated.
- ▼ Probation departments should establish (if necessary) and follow policies for responding to probation violations when offenders are out of county.



1/6/01, Linda Grover,
43, beaten by her
boyfriend

1/12/01, Abeba Woldemichael,
38, shot by her ex-husband

- ▼ When a domestic violence victim calls a probation officer to request intervention, this should raise a red flag and indicate a need for action or more intensive probation on the case.

Connecting Women to Advocacy Once Criminal Justice System Is Involved

- ▼ Researchers should utilize federal Violence Against Women Act funds to address these questions: Is having community-based advocacy organizations initiate contact with domestic violence victims after police contact useful for battered women? Do battered women welcome this sort of intervention and make good use of it? Does having a program like this in place reduce women's risk of being assaulted again? Does it result in more services to more women (especially women outside the mainstream) or not?

Children, Child Protective Services and Batterer Accountability

- ▼ Child Protective Services response should be focused on holding the abuser accountable for their actions and not punishing the non-abusing parent for being unable to control the abuser's actions.
- ▼ Child Protective Services response should include an assessment for domestic violence, be non-punitive towards the non-abusing parent and prioritize the victim's safety and access to support services.

CIVIL ISSUES

Missed Opportunities for Intervention in the Civil Justice System

- ▼ All players in the civil system should receive education regarding: identifying domestic violence, resources for support, lethality indicators and what to do if lethality seems high. Training should include examples of appropriate action given varied roles (e.g., attorney, judge, commissioner, advocate).
- ▼ Legal education should emphasize identifying and responding to domestic violence regardless of area of specialty.

Representation in Protection Order Hearings

- ▼ Funding should be increased for legal aid programs for representation in domestic violence and family law matters.
- ▼ The state should consider re-allocating available federal funding for legal representation of domestic violence victims in civil cases.
- ▼ The State Bar Association and local bar associations should create pro bono panels that will take domestic violence and family law cases. Individuals who participate should be recognized for their efforts.
- ▼ The State Bar Association should award Continuing Legal Education credits for pro bono representation in family law and domestic violence cases.
- ▼ Law schools should prioritize the creation and support of legal clinics for representation of domestic violence victims in domestic violence and family law cases.
- ▼ The availability of low-cost or free legal representation should be advertised where low-income and Limited English Proficient people are likely to access the information, such as welfare offices, radio stations and laundromats.

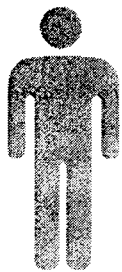
Access to Justice

- ▼ If a person shows up at court during business hours, they should be able to obtain a Protection Order that day.
- ▼ Each jurisdiction should create a plan for issuing Protection Orders whenever the court is open.¹¹

Misinterpretation of the "Imminent Harm" Clause

- ▼ The wording of RCW 26.50.010(1) defining "domestic violence" should be changed from "domestic violence is...the infliction of fear of imminent harm" to "domestic violence is...the infliction of actual fear of harm even if such fear is subjective..."
- ▼ Until this legislative change can be accomplished, the State Bar Association should contract with an agency with expertise in domestic violence and family law to create a model brief regarding overcoming narrow interpretations of the "imminent harm" clause in RCW 26.50.010(1) which result in denying Protection Orders.

¹¹ In some cases, judges may not be present in person in the courthouse, because they may be in another court or county. In these cases, one possible model is for the clerk to fax the order to the judge, and for the judge to hold the hearing by telephone or via video conference with the person seeking the order.



1/13/01,
Bryce Allen Powers, 20,
stabbed by his girlfriend's ex-boyfriend

Interpreters and Translation

- ▼ The Washington State Supreme Court and Access to Justice Board should make ensuring adequate court interpretation a priority for all cases, especially in domestic violence cases.
- ▼ Protection Order forms should be available in translated form in all courts, consistent with RCW 26.50.035(d)(5).

Advocacy

- ▼ All courts issuing civil Protection Orders should establish Protection Order advocacy programs for domestic violence victims.
- ▼ Counties should strive to establish Protection Order advocacy programs that (minimally) meet the needs of their largest non-English-speaking populations.
- ▼ Protection Order advocacy programs should have access to interpreters, or ideally, the advocacy should be done in the victim's first language.
- ▼ The state should seek or reallocate federal Violence Against Women Act funds to increase information and training for legal advocates in the civil system through the creation of a manual for legal advocates and interactive training tools which can be used repeatedly and individually (e.g., web-based or CD-ROM interactive training).

Lack of Enforcement of Court Orders

- ▼ Protection and No Contact Orders should be enforced vigorously; violations should be prosecuted to the fullest extent possible.

Criminal and Civil Protective Orders, Custody and Visitation

- ▼ Courts should include children in No Contact Orders (NCO), or define terms of visitation with children while the NCO is in place that protect the safety of the victim and the children.
- ▼ Courts should send a clear message to victims that they will be supported in obtaining all the protection

the NCO offers and that they are not obligated to compromise the NCO in order to offer the defendant access to the children.

- ▼ Courts should offer women the full relief provided for in RCW 26.50.060.
- ▼ Protection Orders should specify visitation arrangements which address both the battered woman's and the children's safety.
- ▼ Rather than refer women to another civil proceeding to determine parenting plan arrangements, courts should employ a neutral, well-trained evaluator who can:
 - ◆ assess for the existence of domestic violence
 - ◆ obtain all available prior civil and criminal justice records which may bear on the existence of domestic violence, including Protection Orders, arrest records and information regarding the offender's history of compliance with court orders
 - ◆ speak to corroborating sources
 - ◆ assess for the domestic violence victim's and children's safety and provide the judge with well-informed recommendations
- ▼ Evaluators should be employed by the court in order to maintain neutrality, and so that the court can ensure accountability, consistency in approach and ongoing training. This is preferable to using guardians ad litem who may not have in-depth training about domestic violence or extensive experience with it.¹²
- ▼ Evaluators providing assessments for use in determining custody and parenting plans should be highly trained in how to do assessments, as well as the dynamics of domestic violence (including danger assessments). Evaluators should have experience working with victims and/or perpetrators prior to becoming an evaluator.
- ▼ If resources are limited, evaluators should minimally be available to provide assessments regarding domestic violence, custody and parenting plans for people requesting Protection Orders.
- ▼ Legal advocacy organizations should appeal judges' denials of requests to make custody decisions at the Protection Order level when courts consistently do not honor the intention of the law.

¹² King County Family Court Services serves as a good model for this approach.

Addressing Domestic Violence in the Dissolution of Marriage Process

- ▼ The State Bar Association should contract with agencies with expertise in domestic violence and family law to provide Continuing Legal Education courses and to create and disseminate the following model briefs:
 - ◆ How to raise the issue of domestic violence in custody cases
 - ◆ Making the connections between domestic violence and harm to children, including an up-to-date literature review which will help attorneys bring the scholarly work in this area to judges' attention
 - ◆ How to construct a parenting plan which addresses women's and children's safety

Judicial Bias and Lack of Information Regarding Domestic Violence

- ▼ Continuing legal and judicial education should include ample opportunities for training on diversity and bias in the legal system.
- ▼ Judges and all other professionals involved in dissolution proceedings must rigorously examine their biases and seek to ensure that they do not affect rulings.
- ▼ Judges should avoid punishing women for claiming they have been abused and should not be surprised to see a great deal of domestic violence coming through their courts.
- ▼ Courts need alternatives to criminal convictions in order to determine the presence of domestic violence. The best of these is an "evaluator" model.
- ▼ Judges, commissioners and pro tem judges and commissioners should be mandated to receive domestic violence training.
- ▼ Regardless of whether or not it is mandated, judges should seek out training on domestic violence.

Custody Cases and Family Court Response to Domestic Violence

- ▼ Any judge hearing Protection Orders and family court cases should be required to receive training on how to respond to domestic violence in parenting plan decisions once it has been determined.
- ▼ Judges should structure parenting plans in ways that place the burden on abusers to prove that they are following court orders, as opposed to expecting

victims to demonstrate to the court that the abuser has not complied, or assuming abusers will act in good faith to comply with the order.

- ▼ The state should prioritize funding for establishing supervised visitation resources for family law cases where there have been findings of abuse against a parent or child.
- ▼ Courts should create in-house evaluator programs which can gather information regarding the impact of domestic abuse on children and make appropriate recommendations to the court.
- ▼ The State Bar Association should oversee the creation and dissemination of a model brief making the connections between domestic violence and the harm to children.

Guardians ad Litem

- ▼ Continuing education requirements for guardians ad litem (GALs) should include training in working with diverse communities.
- ▼ An "in-house" evaluator model is preferable to using GALs in domestic violence cases, unless a GAL can demonstrate in-depth training on and experience with domestic violence.
- ▼ When judges do assign a GAL in a case which includes allegations of abuse, the judge should ensure that the GAL has adequate training regarding identifying domestic violence, assessing for danger, ensuring victim safety and working with diverse communities.
- ▼ Each court administrator should set standards for GALs to be assigned to domestic violence cases and designate a separate roster of people qualified to work in this area.
- ▼ To assist with this, the Gender and Justice Commission, in collaboration with organizations with domestic violence expertise, should issue a model set of qualifications and training standards for GALs assigned to domestic violence cases.



1/26/01,
Elizabeth Ann Southwick,
55, shot by her husband

- ▼ The state should contract with an organization with expertise in the area of domestic violence and family law matters for the creation of an in-depth, comprehensive training curriculum for GALs who are assigned to cases where allegations of domestic violence have been made.
- ▼ The Gender and Justice Commission should collaborate with domestic violence organizations to create model protocols for GALs and evaluators in cases involving domestic violence.

Holding the Judiciary Accountable

- ▼ Funding should be prioritized to create a domestic violence appellate project.
- ▼ The legal community, in conjunction with community-based domestic violence programs, should create appellate panels to seek review of inappropriately adjudicated domestic violence Protection Orders and custody orders.

- ▼ Communities should demand that judges take responsibility for holding domestic violence abusers accountable once they have pleaded guilty or have been convicted.
- ▼ The state should provide funding (or seek federal funding) for court watch programs. These programs should be based in local domestic violence agencies or collaborate closely with them.
- ▼ Domestic violence programs or court watches should evaluate judicial performance regarding domestic violence and report these findings to the community, so that people can take this information into account when voting to retain or release judges.



2/15/01,
Janine Crandall,
49, shot by her
husband

**WSCADV
Fatality Review Project**

Membership Policies and Procedures

Washington State Domestic Violence Fatality Review

What is a fatality review?

A fatality review brings together experts and representatives of various parts of the coordinated community response to domestic violence: law enforcement, prosecutors, judges, community corrections officers, court and community based advocates, medical professionals, batterer's intervention program providers, child protective services and other social service agencies. This multi-disciplinary group takes a detailed look at the public records regarding domestic violence related homicides in order to identify gaps in the community response to domestic violence and barriers to effective interventions.

Information from fatality reviews will be combined with other sources of information about domestic violence fatalities and entered into a database which will eventually allow for the identification of patterns in domestic violence fatalities.

Why a domestic violence fatality review?

Domestic violence takes a significant toll in human lives each year. Domestic violence related fatalities account for at least 20% of all murders in Washington State each year. At least 30% of female murder victims in Washington are killed by a current or former intimate partner. Between 1997 and 1999, 70 women were killed by their intimate partners. An additional 28 people who were the children, friends, family members and new boyfriends of abused women were murdered by homicidal abusers. Finally, law enforcement officers are sometimes killed in the course of intervening in domestic violence. In about 25% of the domestic violence homicide cases, the abuser commits suicide after murdering one or more people. Learning more about when abusers become homicidal and identifying the points at which interventions could be more effective could potentially save lives.

What is the purpose of the Domestic Violence Fatality Review?

The Domestic Violence Fatality Review Project seeks to:

- Increase safety for victims and accountability for perpetrators of domestic violence;
- Foster communication and collaboration;
- Identify patterns in domestic violence fatalities;
- Through research, generate information useful to policy makers, practitioners, advocates and educators.

Confidentiality	<p>Currently, the domestic violence fatality review process utilizes public records and records obtained through research agreements with various agencies. The project does not ask panel members to reveal information which it would be illegal or unethical for them to reveal. Each participant signs a confidentiality agreement, agreeing not to discuss the proceedings of the review outside that meeting. Confidentiality of the proceedings of the review is protected under Title 43 of the Revised Code of Washington.</p>
Project Background	<p>The Washington State Domestic Violence Fatality Review is based at the Washington State Coalition Against Domestic Violence. Federal Violence Against Women Act grants administered through the Office of Crime Victims Advocacy in the Department of Community Trade and Economic Development funded the project from 1997 to 12/00. In 2000, legislation passed funding the project and ensuring confidentiality for review meetings. State funding flows through the Department of Social and Health Services, Children's Administration.</p> <p>Initial funding supported the creation of a state wide model. We are currently funded to implement that model. Domestic Violence Fatality Review panels exist in Pierce County, Spokane County, Yakima/Kittitas Counties, Chelan/ Douglas/ Okanogan Counties, King County, Clark County, and Benton/ Franklin/ Walla Walla Counties.</p>
Questions?	<p>Please feel free to contact Kelly Starr, Fatality Review Coordinator at 206-389-2515 x102 or Kelly@wscadv.org or Joanne Gallagher, Project Specialist at 206-389-2515 x114 or Joanne@wscadv.org.</p>

Washington State Domestic Violence Fatality Review Project

Domestic Violence Fatality Review Panel members may contribute from the perspective of several "roles." The varied sorts of information a panel member may provide are governed different confidentiality requirements.

Role	Example	Confidentiality concerns
Expert on the policies and practices of one's agency/institution	Without referring to a specific case, a panel member may clarify decision rules within their agency, rationale for policies, what the standard for good practice is within that agency, how cases are usually handled, etc.	Unless the agency has a policy of not disclosing their policies, panel members should be able to freely share this information
Expert on approaches to domestic violence within one's discipline	A panel member may have knowledge of cutting edge and model responses to domestic violence in their own field.	Panel members should be able to freely share this information.
Source of information on how a particular case was handled in one's agency/institution	A panel member may have knowledge about the particular fatality under review. This could include information about either the domestic violence victim or the domestic violence perpetrator, as well as discussions about the case which took place amongst personnel and decision makers.	<p>In some cases, some of this information will be public record.</p> <p>Disclosure of this information may be governed by state or federal policy as well as professional ethics.</p> <p>In some cases, such information can be disclosed for research purposes and/or to improve practice.</p>

Definition of Domestic Violence Fatality

A domestic violence fatality is a fatality which occurs as a result of the efforts of an abuser to obtain power and control over an intimate partner. This includes:

- All homicides in which the victim was a current or former intimate partner of the perpetrator.
- Homicides occurring in conjunction with an attempted or completed homicide of the perpetrator's current or former intimate partner. (For example, situations in which someone kills their current/former intimate partner's friend, family, child, legal advocate....)
- Homicides occurring as an extension of or response to ongoing abuse between intimate partners. (For example, when an ex spouse kills the children in order to exact revenge on a partner)
- Suicides which appear to be a response to abuse (as determined by information indicating prior DV, or knowledge from a particular committee member/agency about the circumstances leading to the suicide).

Criteria for Review

The Domestic Violence Fatality Review Project seeks to identify as accurately as possible all fatalities which occur as a result of domestic violence. Domestic Violence Fatality Review Panels will conduct detailed reviews of selected domestic violence related fatalities. Because of constraints on confidentiality and access to information, fatalities to be reviewed must conform to the following criteria:

- All civil and criminal actions related to the death are closed with no appeal pending
- In cases of homicides, the perpetrator has been identified by the criminal justice system
- The fatality is as recent as possible, given the first two criteria

Eventually, the Project hopes to be able to review fatalities which fall outside these limits, including unsolved homicides of women known to have histories of abuse and cases which may not be classified as homicides by the police/prosecutors or coroners/medical examiners, but members of the committee suspect may be domestic violence related. The legal and confidential issues related to review of these sorts of fatalities remain unresolved at present.

Washington State Domestic Violence Fatality Review Project

Confidentiality and the Domestic Violence Fatality Review Project:

Protections on information shared in Fatality Reviews:

With the passage of HB2588 in 2000, Domestic Violence Fatality Review Panels convened by the Washington State Coalition Against Domestic Violence has significant confidentiality protections. The law specifies that oral or written communications or documents shared within or produced by domestic violence fatality review panels are confidential and not subject to disclosure or discoverable by a third party. Further, participants in review panels are protected from any liability arising from their participation in the panel, as long as they are operating without malice and in good faith.

All participants on the Fatality Review panel sign a confidentiality agreement prior to their participation which acknowledges the above also commits them to keeping the proceedings of the Fatality Review confidential.

Limitations on information shared in Fatality Reviews:

Some states have enacted legislation regarding Domestic Violence Fatality Reviews which releases those professions governed by state law to bring information which would otherwise be confidential to Fatality reviews. Washington may wish to pursue legislation of this sort in the future, but does not have such legislation in place currently.

Thus, professionals who serve on the Washington State Domestic Violence Fatality Review Panels must operate within the constraints of confidentiality requirements imposed by a combination of individual agency policies, professional ethics, state contract requirements, state law, state administrative code, tribal law, federal contract requirements and federal law.

Participation in the Washington State Domestic Violence Fatality Review Project does not oblige anyone to violate any of the confidentiality requirements under which they operate. However, the Project does request that participants familiarize themselves with the specific wording of the codes and rules governing their work, and identify exactly what can be shared. In some cases, professional ethics, state law and administrative codes may allow sharing of information when it is for educational or research purposes, for example.

When the civil and criminal justice system are involved, a great deal of information is public record. Thus, not only are some agencies and professionals not prohibited from releasing information, they are actually required to do so.

In the meantime, in-depth reviews of individual fatalities proceed looking at cases in which a significant body of public record exists and the possibility of appeal or civil suit is remote. Public records contain a great deal of information and provide a robust basis for discussion.

While participants may not be able to bring information about specific individuals with whom they have had contact to the review panel, they can bring information about their agency/organization's policies and procedures and what good practice is within their discipline regarding domestic violence.

Washington State Domestic Violence Fatality Review Project

Agency Representative Agreement to Confidentiality

Name and title: _____

designated representative to the _____ **County** DV Fatality Review Panel for
agency: _____ (referred to as <agency> below)

Through the process of conducting a formal review of selected fatalities in which domestic violence is considered a significant factor, the Washington State Domestic Violence Fatality Review Project will:

1. Increase safety for victims and accountability for perpetrators of domestic violence by promoting cooperation and communication among agencies investigating and intervening in domestic violence and identifying gaps in services and accountability structures and formulating recommendations for policies, services and resources to fill those gaps.
2. Through research (including the fatality review panels) and data collection, identify and describe patterns in domestic violence related fatalities
3. Document these patterns in a bi-annual report which also contains recommendations for collaboration on domestic violence investigation, intervention and prevention.

I understand that as described in Title 43 RCW, Domestic Violence Fatality Reviews will include medical experts, coroners or medical examiners, municipal and county prosecutors, domestic violence advocates, child protective services, perpetrator treatment providers, community corrections officers, law enforcement officers, judges, and others who may have expertise relevant to the review.

The effectiveness of the Domestic Violence Fatality Review Panel's work is conditioned upon the confidentiality of the review process and the information shared within it. I, the undersigned, as a representative of <agency> therefore agree to maintain the confidentiality of information obtained through the review process and not use any material or information obtained for any reason other than that which it was intended.

By signing below, I understand, as is set forth in Title 43 RCW, that documents, oral or written communication shared in the Domestic Violence Fatality Review or produced by the fatality review panel are confidential and not subject to disclosure or discovery by a third party. However, recommendations from the reviews may be discussed minus personal identifiers. I agree to immediately notify the Washington State Coalition Against Domestic Violence if I am subpoenaed for information obtained via the review process.

I agree not to release confidential information about individual cases outside of committee meetings, and instead to discuss the findings of the Domestic Violence Fatality Review Panel in terms of trends and aggregate findings. I understand and acknowledge that the unauthorized disclosure of confidential materials and information may result in civil or criminal liability, and exclusion from the Domestic Violence Fatality Review Panel. I understand that some of the information obtained through fatality reviews originates in the public record (information regarding charges and sentencing, for example) and that material originating in public records is not confidential. I agree that neither I nor anyone else associated with <agency> will represent the views of Domestic Violence Fatality Review Panel to the media.

I agree to take clear measures to understand the limits of what I may reveal during reviews in my capacity as a representative of <agency>. I acknowledge that if acting in good faith and within the parameters of the Domestic Violence Fatality Review Project, review panel representatives are immune from civil and criminal liability for activity related to reviews of particular fatalities.

Signature

Date

Title

Washington State Domestic Violence Fatality Review Project

Working Assumptions and Group Agreement for Domestic Violence Fatality Reviews:

Domestic Violence Fatality Review Panel members should agree to each of the following:

1. Honor all signed confidentiality agreements.
2. Keep in mind each participant brings important knowledge and expertise to the panel, and each participant can learn from others on the panel.
3. Maintain professionalism: Focus discussion on issues of policy, practice and accurate information about domestic violence, not on personalities or individuals. Avoid taking discussion personally.
4. Assume that every person on the Domestic Violence Fatality Review panel has a sincere interest in:
 - increasing domestic violence victim safety and domestic violence perpetrator accountability
 - improving collaboration amongst agencies coming into contact with domestic violence victims, domestic violence perpetrators and their children
 - accurately identifying trends and patterns in domestic violence fatalities.
5. Keep in mind that the purpose of the Domestic Violence Fatality Review process is *not* to assign blame for the fatality. The purpose of reviews is to improve understanding of the circumstances leading up to the fatality in order to gain the knowledge necessary to track trends, improve safety and accountability and create recommendations for collaboration, training and policy change. No person in any agency represented on the review panel should be held responsible for a person's death.
6. Some reviews will include a critical examination of how agency/institution practices, policies and procedures figured into the circumstances leading up to a fatality. Such examination will take place in order to consider recommendations for changes which will increase domestic violence victim safety and domestic violence perpetrator accountability in the future, and not for the purpose of assigning blame. In some cases, the panel may come to the conclusion that an agency's policies were not adequate or were not adequately followed. In these cases, the panel may ask that agency to review its mechanisms for ensuring the consistent realization of its policies or to review its policies.
7. Avoid victim blaming. No person deserves or wants to be abused or die at the hands of another. Interpretation of data from reviews should not imply that victims of domestic violence are responsible for or deserved their victimization or death.

Washington State Domestic Violence Fatality Review

How to prepare for a Domestic Violence Fatality Review:

- ☐ *Examine your own agency's records to see if your agency served the victim, perpetrator, or children involved*
- ☐ *Familiarize yourself with your agency's policies and practices regarding domestic violence. If your agency served someone involved with the case, evaluate the services they received: did they conform to your agency's policies regarding domestic violence? Was practice consistent with policy? Are your agency's policies consistent with best practices regarding domestic violence in your field?*
- ☐ *Watch for the case chronology in the mail.* This will summarize information from public records.
- ☐ *Read the case chronology carefully.*
- ☐ *Compare the timeline to your agency's contacts with the case. Determine what (if any) information you can share with the Domestic Violence Fatality Review Panel about your agency's contact with this case.* (Remember, the Domestic Violence Fatality Review Project is a research project; state law protects the proceedings of review from disclosure; everyone present will sign a confidentiality agreement.)
- ☐ *Try to put yourself in the battered woman's and perpetrator's shoes: what help did they receive? What "messages" did they get regarding the seriousness of the abuse and the ability/willingness of the community to intervene? What options existed for obtaining justice or finding safety? What were the barriers?*
- ☐ *Review the Domestic Violence Fatality Review Group Agreement*
- ☐ *Attend the review.* Please arrive on time. We will provide snacks and beverages. Bring any records or documents which may be helpful to you or the panel during the review.

Washington State Domestic Violence Fatality Review Project

Policy on the collection and recording of information from Domestic Violence Fatality Reviews

Two ways to gather information on domestic violence fatalities:

The Washington State Domestic Violence Fatality Review Project will engage in two primary methods of information gathering:

1. county/regional reviews of specific fatalities (these are detailed, multidisciplinary examinations of the circumstances leading up to a particular fatality)
2. analysis of existing publicly available databases (i.e., Washington Association of Sheriffs and Police Chiefs)

Purpose of gathering information

Each of these methods of gathering information may contribute to achieving the project purpose which is to

- identify trends and patterns in domestic violence related fatalities
- increase safety for victims and accountability for perpetrators
- formulate recommendations for collaboration on domestic violence investigation, intervention and prevention

County / regional reviews of specific fatalities

County/regional reviews of specific fatalities allow for detailed discussion of individual cases (making use of *public records* for information). Interdisciplinary groups thinking through circumstances of these cases can identify training and resource needs as well as gaps in local systems. Discussion will also increase understanding of the complex nature of domestic violence, the challenges battered women face in escaping violence, and the policies and constraints each institution/organization works within in responding to domestic violence.

Some information obtained in these reviews will be entered into a database in order to facilitate identification of common themes between cases, and avoid reviewing the same fatality twice. Common themes identified in these detailed reviews can raise issues for discussion regarding policy and practice around the state and will help focus analysis of existing databases.

Analysis of existing data bases

Existing databases (vital statistics, Uniform Crime Report compilations by the Washington Association of Sheriffs and Police Chiefs) can be used to identify quantitative information regarding domestic violence. For example, these sources of information can help identify how many deaths are currently identified as domestic violence related. We may be able to track what percentage of women murdered by current and former partners had obtained restraining orders against their partners, or had sustained traumatic injury in the years preceding the fatality. Such information may guide inquiry in the future and form the basis of policy proposals, educational information and training materials.

In the future...

Examining existent databases in order to track domestic violence related fatalities may lead to the formulation of recommendations regarding the compilation of such information.

Protection of confidentiality

The database created from the information gathered in county/regional fatality reviews will *not* include the name of the victim or perpetrator or the county in which the death took place. Such identifying information will be stored separately and destroyed regularly.

Reports

Domestic Violence Fatality Review Project Annual Reports will include two kinds of information:

1. quantitative information from publicly available databases such as WASPC, (how many women and men died, numbers of homicide/suicides, how many children died, etc.)
2. and identification of common themes from county/regional reviews (for example, a commonly felt need for increased training for a particular profession).

Reports will *not* focus on particular fatalities, but will instead seek to identify trends, patterns and general recommendations. If a particular case is specifically referenced, identifying information will not exceed information available in public records or in newspaper coverage of the fatality.

Collaboration

Domestic Violence Fatality Review Project reports may contain interpretations of data and information obtained from reviews as well as recommendations and policy suggestions. These will be formulated in collaboration with county/regional review panels, domestic violence experts in the law enforcement, prosecution, batterer's treatment, probation, judicial, child protective and medical professions, community based battered women's advocates, and the Washington State Coalition Against Domestic Violence.

How demographic information will be used

Particulars such as race, income level, educational attainment and language ability will be gathered during fatality reviews in order to further understanding of the following:

- potential barriers to seeking/receiving help
- obstacles to effective intervention and accountability
- accessibility of helping resources
- and constraints domestic violence victim's options

As in all aspects of the review, the focus is on understanding system response to domestic violence victims and perpetrators, and identifying ways to increase victim safety and perpetrator accountability.

Avoiding misuse of information

All evidence indicates that the capacity for violence resides in every human population. In interpreting information from reviews, care will be taken to avoid drawing inferences about the inherent characteristics of particular populations.

Except in cases of self defense, no person deserves to be abused or die at the hands of another. Interpretation of information from reviews should not imply that victims of domestic violence are responsible for or deserved their victimization or death.

The case information form

The case information form was created in collaboration with an Advisory Committee consisting of judges, prosecutors, law enforcement officers, medical personnel, probation officers, battered women's advocates, child welfare workers, and the Washington State Coalition Against Domestic Violence.

The form contains many questions regarding the abuse and the context in which it took place. It reflects the many factors experts on the Advisory Committee believed may affect a domestic violence victim's ability to obtain safety, and a community's ability to hold an abuser accountable for violence.

In many cases, the panel will not be able to answer all the questions posed in the form. However, it is important to resist equating *available* information with *relevant* information. Reflecting on what we do not know about the circumstances leading up to a fatality may be as important as reflecting on what we do know.

**WSCADV
Fatality Review Project
Authorizing Legislation**

Chapter 43.235 RCW
DOMESTIC VIOLENCE FATALITY REVIEW PANELS

SECTIONS

43.235.010 Definitions.

43.235.020 Coordination of review -- Authority of coordinating entity -- Regional domestic violence review panels -- Citizen requests.

43.235.030 Domestic violence review panels -- Composition --

43.235.040 Confidentiality -- Access to information.

43.235.050 Immunity from liability.

43.235.060 Data collection and analysis.

43.235.800 Statewide report.

43.235.900 Conflict with federal requirements -- 2000 c 50.

RCW 43.235.010**Definitions.**

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of social and health services.

(2) "Domestic violence fatality" means a homicide or suicide under any of the following circumstances:

(a) The alleged perpetrator and victim resided together at any time;

(b) The alleged perpetrator and victim have a child in common;

(c) The alleged perpetrator and victim were married, divorced, separated, or had a dating relationship;

(d) The alleged perpetrator had been stalking the victim;

(e) The homicide victim lived in the same household, was present at the workplace of, was in proximity of, or was related by blood or affinity to a victim who experienced or was threatened with domestic abuse by the alleged perpetrator; or

(f) The victim or perpetrator was a child of a person in a relationship that is described within this subsection.

This subsection should be interpreted broadly to give the domestic violence fatality review panels discretion to review fatalities that have occurred directly to domestic relationships.

[2000 c 50 § 1.]

RCW 43.235.020**Coordination of review -- Authority of coordinating entity -- Regional domestic violence review panels -- Citizen requests.**

(1) Subject to the availability of state funds, the department shall contract with an entity with expertise in domestic violence policy and education and with a statewide perspective to coordinate review of domestic violence fatalities. The coordinating entity shall be authorized to:

- (a) Convene regional review panels;
- (b) Gather information for use of regional review panels;
- (c) Provide training and technical assistance to regional review panels;
- (d) Compile information and issue biennial reports with recommendations; and

(e) Establish a protocol that may be used as a guideline for identifying domestic violence related fatalities, forming review panels, convening reviews, and selecting which cases to review. The coordinating entity may also establish protocols for data collection and preservation of confidentiality.

(2)(a) The coordinating entity may convene a regional domestic violence fatality review panel to review any domestic violence fatality.

(b) Private citizens may request a review of a particular death by submitting a written request to the coordinating entity within two years of the death. Of these, the appropriate regional review panel may review those cases which fit the criteria set forth in the protocol for the project.

[2000 c 50 § 2.]

RCW 43.235.030**Domestic violence review panels -- Composition -- Reports.**

(1) Regional domestic violence fatality review panels shall include but not be limited to:

- (a) Medical personnel with expertise in domestic violence abuse;
- (b) Coroners or medical examiners or others experienced in the field of forensic pathology, if available;
- (c) County prosecuting attorneys and municipal attorneys;
- (d) Domestic violence shelter service staff and domestic violence victims' advocates;
- (e) Law enforcement personnel;
- (f) Local health department staff;
- (g) Child protective services workers;
- (h) Community corrections professionals;

- (i) Perpetrator treatment program provider; and
- (j) Judges, court administrators, and/or their representatives.

(2) Regional domestic violence fatality review panels may also invite other relevant persons to serve on an ad hoc basis and participate as full members of the review team [panel] for a particular review. These persons may include, but are not limited to:

- (a) Individuals with particular expertise helpful to the regional review panel;
 - (b) Representatives of organizations or agencies that had contact with or provided services to the homicide victim or to the alleged perpetrator.
- (3) The regional review panels shall make periodic reports to the coordinating entity and shall make a final report to the coordinating entity with regard to every fatality that is reviewed.

[2000 c 50 § 3.]

RCW 43.235.040

Confidentiality -- Access to information.

(1) An oral or written communication or a document shared within or produced by a regional domestic violence fatality review panel related to a domestic violence fatality review is confidential and not subject to disclosure or discoverable by a third party. An oral or written communication or a document provided by a third party to a regional domestic violence fatality review panel, or between a third party and a regional domestic violence fatality review panel is confidential and not subject to disclosure or discovery by a third party. Notwithstanding the foregoing, recommendations from the regional domestic violence fatality review panel and the coordinating entity generally may be disclosed minus personal identifiers.

(2) The regional review panels, only to the extent otherwise permitted by law or court rule, shall have access to information and records regarding the domestic violence victims and perpetrators under review held by domestic violence perpetrators' treatment providers; dental care providers; hospitals, medical providers, and pathologists; coroners and medical examiners; mental health providers; lawyers; the state and local governments; the courts; and employers. The coordinating entity and the regional review panels shall maintain the confidentiality of such information to the extent required by any applicable law.

(3) The regional review panels shall review, only to the extent otherwise permitted by law or court rule when determined to be relevant and necessary to an investigation, guardian ad litem reports, parenting evaluations, and victim impact statements; probation information; mental health evaluations done for court; presentence interviews and reports, and any recommendations made regarding bail and release on own recognizance; child protection services, welfare, and other information held by the department; any law enforcement incident documentation, such as incident reports, dispatch records, victim, witness, and suspect statements, and any supplemental reports, probable cause statements, and 911 call taker's reports; corrections and postsentence supervision reports; and any other information determined to be relevant to the review. The coordinating entity and the regional review panels shall maintain the confidentiality of such information to the extent required by any applicable law.

[2000 c 50 § 4.]

RCW 43.235.050**Immunity from liability.**

If acting in good faith, without malice, and within the parameters of this chapter and the protocols established, representatives of the coordinating entity and the regional domestic violence fatality review panels are immune from civil liability for an activity related to reviews of particular fatalities.

[2000 c 50 § 5.]

RCW 43.235.060**Data collection and analysis.**

Within available funds, data regarding each domestic violence fatality review shall be collected on standard forms created by the coordinating entity. Data collected on reviewed fatalities shall be compiled and analyzed for the purposes of identifying points at which the system response to domestic violence could be improved and identifying patterns in domestic violence fatalities.

[2000 c 50 § 6.]

RCW 43.235.800**Statewide report.**

(1) A biennial statewide report shall be issued by the coordinating entity in December of even-numbered years containing recommendations on policy changes that would improve program performance, and issues identified through the work of the regional panels. Copies of this report shall be distributed to the governor, the house of representatives children and family services and criminal justice and corrections committees, and the senate human services and corrections and judiciary committees and to those agencies involved in the regional domestic violence fatality review panels.

(2) The annual report in December 2010 shall contain a recommendation as to whether or not the domestic violence review process provided for in this chapter should continue or be terminated by the legislature.

[2000 c 50 § 7.]

RCW 43.235.900**Conflict with federal requirements -- 2000 c 50.**

If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

[2000 c 50 § 9.]

International Association of Chiefs of Police (IACP)

IACP – Policy

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

POLICE OFFICER DOMESTIC VIOLENCE

Model Policy

Effective Date

April 1999

Reevaluation Date

April 2003

I) PURPOSE

This policy recognizes that the profession of law enforcement is not immune from members committing domestic violence against their intimate partners. The purpose of this policy is to establish procedures for handling acts of domestic violence committed by police officers and for implementing prevention strategies. This policy will provide police executives, officers, and all department employees guidance in addressing incidents where one (or more) party to a reported domestic violence incident is an employee, whether sworn or civilian, of any rank in the department.

II) POLICY STATEMENT

This policy offers a comprehensive, pro-active approach to domestic violence by police department employees with an emphasis on victim safety. It delineates a position of zero tolerance by the department. It is imperative to the integrity of the profession of policing and the sense of trust communities have in their local law enforcement agencies that leaders, through the adoption of clear policies, make a definitive statement that domestic violence will not be tolerated. In the process of implementing this policy, the department should review the records of all employees to determine whether convictions for qualifying misdemeanor crimes of domestic violence *(MCDV) or valid protection orders exist. If an employee is found to have a MCDV or is the subject of a qualifying protection order, department legal counsel and/or city/county attorney shall be consulted immediately regarding continued employment or duty assignment.

Federal law prohibits police officers convicted of qualifying misdemeanor domestic violence crimes from possessing firearms. Officers found guilty of a qualifying domestic violence crime through criminal proceedings shall be terminated. *For the definitions of qualifying misdemeanor crime of domestic violence and qualifying order of protection that trigger federal firearm provisions, see the Concepts and Issues Paper, page 1, section B. Definitions.

III) DEFINITIONS

"Domestic violence" refers to a pattern of violence perpetrated by a police officer upon his or her intimate partner not done in defense of self or others, including but not limited to the following:

- Bodily injury or threat of imminent bodily injury
- Sexual battery
- Physical restraint
- Property crime directed at the victim
- Stalking
- Violation of a court order of protection or similar injunction
- Death threats or death

An "Intimate partner" of a police officer is any person who meets one or more of the following criteria:

- Is or was legally married to the police officer
- Has a child in common with the police officer
- Has or had a dating relationship with the police officer
- Is specified as an intimate partner by state law
- Is cohabitating or has cohabitated romantically with the police officer

"Protection order" refers to any injunction or other order issued by a court, including criminal or civil orders of protection, regardless of form, content, length, layout, or name (such as stay away,

restraining, criminal, and emergency or temporary protection orders or injunctions), issued for the purpose of preventing the following:

- Violent or threatening acts against another person
- Stalking or harassment of another person
- Contact or communication with another person
- Physical proximity to another person
-

IV) PROCEDURES

While prioritizing the safety of victims, this policy is designed to address prevention through hiring and training practices, provide direction to supervisors for intervention when warning signs of domestic violence are evident, institutionalize a structured response to reported incidents of domestic violence involving officers, and offer direction for conducting the subsequent administrative and criminal investigations. Components of the policy include: A) Prevention and Training; B) Early Warning and Intervention; C) Incident Response Protocols; D) Victim Safety and Protection; E) Post-Incident Administrative and Criminal Decisions.

A) PREVENTION AND TRAINING

The department will adhere to a zero-tolerance policy towards police officer domestic violence and will not tolerate violations of the policy. The department will provide ongoing training to every officer on domestic violence and the zero-tolerance policy throughout all phases of the police officer's career.

1) Prevention Through Collaboration

- (a) Through ongoing partnerships with local victim advocacy organizations the department shall develop domestic violence curricula and train officers in order to enhance the officers'/agency's response to victims.
- (b) The department shall provide local domestic violence victim advocacy organizations copies of all domestic violence training curricula, protocols and policies for review and possible revision.

2) Training Topics

Upon implementation of this policy, all officers shall receive comprehensive mandatory instruction covering the following topics:

- (a) Understanding Domestic Violence
- (b) Departmental Domestic Violence Response Protocol
- (c) Warning Signs of Domestic Violence by Officers
- (d) Victim Safety
- (e) Federal Domestic Violence Laws

(For details on these training topics, see Concepts and Issues Paper, section A) Prevention and Training, # 2)

3) Ongoing Training

Departments shall use a variety of training techniques including in-service, roll-call, FTO, ride-alongs, and training bulletins to regularly reinforce standards of effective response protocol.

4) Program Evaluation

To enhance the effectiveness of the training, departments should work with internal or external research resources to evaluate the training and its impact.

B) EARLY WARNING AND INTERVENTION

1) Pre-Hire Screening and Investigation

- (a) Certification agencies and/or departments shall conduct thorough background investigations of all potential new employees using address history, driver's record, protection order database and a search on IADLEST.
- (b) All candidates shall be asked if they have engaged in or been investigated for domestic violence and asked about any past arrests, suspended sentences, diversion programs, convictions, and protection orders related to elder abuse, child abuse, sexual assault, stalking, or domestic violence.

- (c) Those candidates with a history of perpetrating violence (to include: elder abuse, child abuse, sexual assault, stalking, or domestic violence) should be screened out at this point in the hiring process.
 - (d) Candidates shall be clearly informed of the department's position of zero tolerance concerning domestic violence by officers.
- 2) **Post Conditional Offer of Employment**
 - (a) The psychological screening of all viable candidates will focus on indicators of abusive tendencies in their background.
 - (b) Departments should strongly consider a no-hire decision in the case of a candidate with tendencies indicative of abusive behavior.
- 3) **Post-Hire Intervention**
 - (a) When new officers are hired, the department shall reach out to their intimate partners/family members to introduce this policy and other relevant department policies.
 - (b) Departments should engage in periodic outreach to officers and their intimate partners/family members with information on this policy, the point of contact within the department and referrals for local support services.
- 4) **Department Responsibilities**
 - (a) The department shall develop cross-jurisdictional MOUs to ensure timely notification of an incident involving an officer.
 - (b) The department shall, either in response to observed warning signs or at the request of an officer, intimate partner, or other family member, provide non-punitive avenues of assistance before an act of domestic violence occurs.
 - (c) The department shall inform officers of the procedure for seeking confidential referrals, either internally or externally, to confidential counseling services.
 - (d) A disclosure on the part of any officer, intimate partner or family member to any member of the department that an officer has personally engaged in domestic violence will be treated as an admission or report of a crime and shall be investigated both administratively and criminally.
- 5) **Supervisor Responsibilities**
 - (a) Supervisors shall be cognizant of and document any pattern of abusive behavior potentially indicative of domestic violence including but not limited to the following:
 - i. Aggressiveness
 - a. Excessive and/or increased use of force on the job
 - b. Stalking and inappropriate surveillance activities
 - c. Unusually high incidences of physical altercations and verbal disputes
 - d. Citizen and fellow officer complaints of unwarranted aggression and verbal abuse
 - e. Inappropriate treatment of animals
 - f. On- or off-duty officer injuries
 - ii. Domestic violence-related issues
 - a. Monitoring and controlling any family member or intimate partner through such means as excessive phone calling
 - b. Stalking any intimate partner or family member
 - c. Discrediting and/or disparaging an intimate partner
 - iii. Deteriorating work performance
 - a. Tardiness
 - b. Excessive absences
 - c. Alcohol and drug abuse
 - (b) When the supervisor notes a pattern of problematic behavior (as detailed above), the supervisor shall:
 - i. Address the behaviors through a review or other contact with the officer and document all contacts
 - ii. Forward written reports capturing the behaviors to the chief through the chain of command in a timely manner to determine discipline as warranted

- iii. Prepare and submit to the chief a written request for a psychological exam/counseling by a psychologist/psychiatrist who is knowledgeable about domestic violence
- iv. When warranted, request the chief order an officer to seek assistance from a certified program for batterers, and if such a program is not available, a counselor knowledgeable about domestic violence

6) Police Officer Responsibilities

- (a) Officers are encouraged to take personal responsibility in seeking confidential referrals and assistance from the department to prevent a problem from escalating to the level of criminal conduct against an intimate partner.
- (b) Officers who engage in the following actions will be subject to severe discipline up to and including dismissal:
 - i. Failure to report knowledge of abuse or violence involving a fellow officer
 - ii. Failure to cooperate with the investigation of a police officer domestic violence case (except in the case where that officer is the victim) Interference with cases involving themselves or fellow officers
 - iii. Intimidation/coercion of witnesses or victims (i.e., surveillance, harassment, stalking, threatening, or falsely reporting)
- (c) Officers who learn they are the subject of a criminal investigation, regardless of jurisdiction, are required to immediately make a report to their supervisors and provide notice of the court dates, times, appearances, and proceedings. Failure to do so may result in severe discipline up to and including dismissal.
- (d) Officers who learn they are the subject of any protective order proceeding, whether or not the order is issued and regardless of jurisdiction, shall immediately notify their supervisor and provide a copy of the order, if issued. If subject to a qualifying protection order, the officer shall surrender all firearms unless department policy allows for possession of the primary service weapon. Failure to do so may result in severe discipline up to and including dismissal.

C) INCIDENT RESPONSE PROTOCOLS

1) Department-wide Response

- (a) The department shall accept, document, and preserve all calls or reports, including those made anonymously, regarding domestic violence as on-the-record information.
- (b) All reports of possible criminal activity implicating police officers in domestic violence shall be documented in accordance with the policies governing the handling of reports of domestic violence involving civilians.
- (c) The on-scene supervisor shall forward a copy of the report alleging domestic violence by the officer to the chief through the chain of command.
- (d) All such incident reports shall be made available by the department to the victim without cost.

2) Communications Response

- (a) Communications officers/dispatchers shall be instructed to assign a high priority to all domestic violence calls, including those that involve or appear to involve a police officer of any department.
- (b) Communications officers/dispatchers shall immediately notify the supervisor on duty and the dispatch supervisor of any domestic violence call received that involves, or appears to involve, a police officer, regardless of the involved officer's jurisdiction.
- (c) Communications officers/dispatchers shall prepare and preserve documentation of the facts and circumstances of the call, including the 911 tape, for use in potential administrative or criminal investigations.
- (d) Communications officers/dispatchers shall have available current contact information of local domestic violence victim advocacy organizations for on-scene supervisors to provide to victims.

3) Patrol Response

- (a) Upon arrival on the scene of a domestic violence call or incident involving a police officer, the primary patrol unit shall immediately notify dispatch and request a supervisor of higher rank than the involved officer report to the scene, regardless of the involved officer's jurisdiction.
 - (b) The responding officers shall perform the following actions:
 - i. Obtain needed medical assistance
 - ii. Address the immediate safety of all parties involved
 - iii. Secure the scene and preserve evidence
 - iv. Note all excited utterances, admissions and/or incriminating statements
 - v. Make an arrest if probable cause exists
- 4) On-Scene Supervisor Response**
- (a) A supervisor of higher rank shall report to the scene of all police officer domestic violence incidents including a police officer, regardless of the involved officer's jurisdiction.
 - (b) The on-scene supervisor shall assume command and ensure that the crime scene is secured and that all evidence is collected. Photographic and/or video documentation of the parties involved and scene shall be recorded where such resources are available.
 - (c) The supervisor shall inquire as to the safety of all children present at the time of the incident and all children in the household. As appropriate and necessary, the children should be interviewed separately from other parties.
 - (d) In cases where probable cause exists, the on-scene supervisor shall ensure an arrest is made.
 - (e) If the alleged offender has left the scene and probable cause exists, the supervisor shall perform the following actions:
 - i. Exhaust all reasonable means to locate the alleged offender
 - ii. Ensure that an arrest warrant is sought, if unable to locate the alleged offender
 - iii. Document all subsequent actions in a timely manner
 - (f) In the event that the victim has left the scene, the supervisor shall make every effort to follow through on the investigation and attempt to locate the victim.
 - (g) Arrest of both parties involved in a domestic violence incident should be avoided. The supervisor shall ensure that a thorough investigation is conducted and an arrest of the dominant aggressor is made in accordance with state law.
 - (h) Whenever an officer is arrested, the supervisor shall relieve the accused officer of all service weapons regardless of whether the officer is a member of the responding department. Where allowable under federal, state, or local ordinances, all other firearms owned or at the disposal of the accused officer shall be seized for safety reasons.
 - (i) The command staff officer shall inquire whether the victim wants any firearms removed from the home for safekeeping by the department and make arrangements as necessary.
 - (j) The on-scene supervisor shall ensure the victim is informed of the following:
 - i. The judicial process and victim rights
 - ii. The department's policy on police officer domestic violence, procedures and cross-jurisdictional responsibilities as they apply
 - iii. The standard of probable cause for arrest
 - iv. Procedures for obtaining protective orders
 - v. Victim compensation
 - vi. The availability of an on-scene advocate
 - vii. The availability of confidential transportation to a location that can provide improved victim safety
 - viii. Community resources and local domestic violence victim service
 - ix. The option to remove firearms for safekeeping

- (k) Whenever a police officer involved domestic violence call does not result in an arrest or a warrant is not sought, the on-scene supervisor shall explain in a written report.
 - (l) The on-scene supervisor shall notify the chief and the accused officer's immediate supervisor as soon as possible. In the event that the officer is from another jurisdiction, the supervisor shall ensure that the accused officer's chief is notified. All notifications, and attempts to notify, shall be fully documented.
- 5) **Additional Critical Considerations**
- (a) When responding to a domestic violence complaint involving a police officer from another jurisdiction, all responding officers, investigators, and supervisors shall follow the same procedures that are to be followed in responding to a domestic violence complaint involving an officer from their own department.
 - (b) In the event that the reported incident involves the chief of police or commissioner, the supervisor shall immediately notify the district/state's attorney and the individual in government who has direct oversight for the chief, for example, the mayor.
 - (c) In responding to domestic violence incidents where the victim is a police officer, standard domestic violence response and investigation procedures should be followed.
 - (d) In responding to domestic violence incidents where the parties involved are both police officers, standard domestic violence response and investigation procedures should be followed. After probable cause and dominant aggressor are determined, an arrest should be made and all service weapons of the accused officer confiscated.
If a protective order is issued against an officer, additional firearm seizure may be required under state law.
- 6) **Department Follow-Up**
- (a) In a timely manner, the chief shall ensure that all officers who responded to a police officer domestic violence call are debriefed. The debriefing shall include the following:
 - i. A review of department confidentiality guidelines
 - ii. A direct order prohibiting discussion of the incident outside of the official inquiry
 - iii. A clear delineation of assignments
 - (b) Follow-up investigators shall proactively seek out information on existing protective orders and, if found, shall enforce them and any applicable state and federal firearms laws and determine whether the officer violated department policy by failing to report the protective order.
 - (c) Arrest warrants charging police officers with domestic violence and protective orders issued at a later time shall be served by no fewer than two officers with at least one being of senior rank to the officer being served. In cases where firearms have not previously been seized, firearms shall be seized if allowed by the department and decisions about service weapons will be made.
 - (d) In the event the protection order expires or the victim asks that it be discontinued, the department shall still conduct a thorough administrative investigation.
 - (e) Following the reported incident, the department shall designate a member of the command staff to perform the following duties:
 - i. Conduct a danger assessment of the accused officer to determine the potential for further violence and inform the victim of the possibility of danger regardless of the outcome of the assessment
 - ii. Act as a principal point of contact to keep the victim apprised of all developments
 - iii. Ensure that safety planning and danger assessment is made available to the victim

- iv. Report the findings of the danger assessment to the chief who will make decisions concerning appropriate sanctions, administrative actions, and referrals for the accused officer

D) VICTIM SAFETY AND PROTECTION

- 1) Departments shall work with community resources and advocacy agencies to connect victims and their children with appropriate services.
- 2) The command staff designated as principal contact for the victim, shall inform the victim of confidentiality policies and their limitations, and ensure that confidentiality is maintained throughout the case.
- 3) All officers shall be aware of possible victim/witness intimidation or coercion and the increased danger when the victim leaves an abusive partner. The designated principal contact shall assist the victim and children in safety planning and caution the victim to be alert to stalking activities.
- 4) If an officer suspects intimidation or coercion of the victim/witness is occurring, the officer shall prepare a written report to be delivered immediately to the investigator in charge of the case through the chain of command.
 - (a) In order to determine whether the victim/witness is being intimidated or coerced, the investigator in charge shall seek out secondary sources of information.
 - (b) Given the possibility that a victim will recant or choose not to participate in court proceedings, supplemental evidence shall be sought out and preserved.

E) POST INCIDENT ADMINISTRATIVE AND CRIMINAL DECISIONS

Departments shall conduct separate parallel administrative and criminal investigations of alleged incidents of police officer domestic violence in a manner that maintains the integrity of both investigations and promotes zero tolerance. Regardless of the outcome of the criminal case, the department shall uphold all administrative decisions. If the facts of the case indicate that domestic violence has occurred or any department policies have been violated, administrative action shall be taken independent of any criminal proceedings as soon as practicable.

The department will adhere to and observe all necessary protocols to ensure an accused officer's departmental, union, and legal rights are upheld during the administrative and criminal investigations.

1) Administrative Investigations and Decisions

The responsibility to complete the administrative investigation of a police officer domestic violence incident shall rest with the Internal Affairs Division of the department, or in the event that no such unit exists, the chief shall appoint an experienced investigator. The chief may ask an outside law enforcement agency to conduct the administrative investigation.

- (a) Regardless of whether an arrest was made on scene, the investigating official shall conduct an independent, comprehensive administrative investigation using standard elements of criminal investigations. Victims and witnesses shall be re-interviewed and their statements recorded; crime scene evidence, photographs, and medical records accessed; and 911 tapes requested.
- (b) Where sufficient information/evidence exists, the department shall take immediate administrative action against the accused officer that may include removal of badge and service weapons, reassignment, sanctions, suspension, or termination.
- (c) When an investigation of an incident uncovers officers who had knowledge of violence on the part of another officer but failed to notify the department or engaged in actions intended to interfere with the investigation, the department shall investigate those officers and take disciplinary action and criminally charge as warranted.
- (d) The chief shall determine whether and when the accused officer should be issued an administrative order of protection. (See Concepts and Issues paper, section C Incident Response Protocols, #6 department follow-up).

- (e) If administrative policies and/or administrative orders of protection are violated or sufficient concern exists regarding a violation, the department shall initiate an independent administrative investigation, seize firearms as allowed under department policy as soon as practicable, and take disciplinary action up to and including dismissal.
- (f) In determining the proper course of administrative action, a department shall consider factors including the level of danger an officer poses as indicated by the outcome of the danger assessment of the officer, the officer's history of compliance with departmental rules, prior written or verbal threats, history of aggressive behaviors, and existence of an alcohol or substance abuse problem.
- (g) If the accused officer is assigned enforcement duties while the administrative and/or criminal investigations are under way, those duties should not include response to domestic violence calls.
- (h) If the department determines through an administrative investigation that the officer violated department policy, regardless of whether the officer plead *nolo contendere* in response to criminal charges, the department may employ the full range of administrative sanctions. Any officer determined through an administrative investigation to have committed domestic violence shall be terminated from the department.

2) **Criminal Investigations and Decisions**

The responsibility to complete a criminal investigation of an incident of police officer domestic violence shall rest with the domestic violence unit of the department, or in the event that no such unit exists, the criminal investigations unit or detective division. The chief may ask an outside law enforcement agency to conduct the criminal investigation.

- (a) The investigating official shall conduct criminal investigations as would be the case for any other criminal violation.
- (b) In accordance with the officer's and victim's privacy rights, the investigating official or agency shall conduct sufficient interviews (taped) of family members, friends, neighbors, colleagues, and others who may have information regarding criminal charges.
- (c) Even though an initial report may already exist concerning a police officer, reports of any subsequent or additional criminal or non-criminal incidents, which may include fellow officers engaging in surveillance or intimidation of the victim, shall be documented in separate incident reports, assigned a case number, cross-referenced with the original case number and investigated thoroughly.
- (d) The department shall completely investigate the charges and where warranted seek prosecution even in cases where the victim recants.
- (e) The department shall establish a liaison to work with the prosecuting attorney for each case. This officer shall present all the information to the prosecuting attorney for action and ask that decisions about the adjudication of the case be made in a timely manner.
- (f) As with any other case for criminal prosecution, the investigating officer shall request filing of court papers/complaints.
- (g) Any officer convicted through criminal proceedings of a domestic violence crime shall be terminated from the department.

3) **Termination Procedures**

- (a) Upon the decision to terminate an officer, the chief shall do the following in accordance with department policy and state law:
 - i. Notify the officer, in writing, of the effective date of termination
 - ii. Inform the officer of available support services, to include counseling
 - iii. Ensure that the victim is notified in a timely manner and offered available assistance, to include safety planning
 - iv. Notify the state licensing body within 30 days and inform them of the reason for termination

- (b) Federal law prohibits anyone convicted of a misdemeanor domestic violence crime from possessing firearms. The department shall ensure compliance with federal law.

Every effort has been made by the IACP Research Center Directorate, the National Law Enforcement Policy Center and the Police Response to Violence Against Women Advisory Group to ensure that this model policy incorporates the most current information and contemporary professional judgment on the issue. However, law enforcement administrators should be cautioned that no "model" policy can meet the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of federal court rulings, state laws, local ordinances, regulations, judicial and administrative decisions, and collective bargaining agreements, and each agency needs to tailor its policies to ensure compliance with all laws, regulations, and agreements.

This project was supported by Grant No.97-WT-VX-KOO3 awarded by the Violence Against Women Office, Office of Justice Programs and Office of Community Oriented Policing Services, U.S. Department of Justice. The assistant attorney general, Office of Justice Programs, coordinates the activities of the following offices and bureaus: the Bureau of Justice Assistance, Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, Office for Victims of Crime, and Office on Violence Against Women. Points of view or opinions in this document are those of the author and do not represent official position or policies of the U.S. Department of Justice.

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IACP Implementation Chart



POLICE OFFICER DOMESTIC VIOLENCE

STEPS TO ADOPT AND IMPLEMENT DEPARTMENT POLICY

FOR AGENCIES WITH NO POLICY IN PLACE

1

Organize a committee that includes command staff, DV Unit staff and community advocates to oversee policy drafting and implementation process

2

Obtain IACP Model Policy on Police Officer Domestic Violence for review by the committee

3

Using the model policy, design a comprehensive policy that reflects the needs of the department and the community

4

Follow requisite procedures for adopting the policy (legal review, approval of union/guild, etc.)

5

Address implementation steps to include:

1. Provide training to supervisory personnel on early warning signs
2. Select lethality assessment tool
3. Draft and commit to MOUs with neighboring departments and advocacy agencies
4. Provide outreach to families of department personnel
5. Prepare victim assistance resources

6

Organize and prepare training curriculum that involves advocates as co-trainers on all domestic violence topics, including this policy

7

Provide training (in conjunction with advocates) to all department personnel on the components of the new policy, being sure to highlight responsibilities

8

Under the direction of the committee, evaluate the department's efforts to implement and adhere to policy at 3, 6 & 12-month intervals. Issue needed recommendations.

9

Schedule regular review of policy, state and federal laws and domestic violence response procedures using roll-call and in-services training

IACP Issues Paper

Police Officer Domestic Violence Concepts and Issues Paper

April, 1999

I. INTRODUCTION

A. Purpose of Document

This paper supports the Model Policy on Police Officer Domestic Violence established by the IACP National Law Enforcement Policy Center. This paper conveys the philosophy and development of the policy along with the implementation requirements. As law enforcement executives tailor this policy to their specific agency, the policy will need to be redrafted in the context of existing local ordinances, department policy, provisions of union contracts and all other state and federal laws. Although the policy speaks to police officers, application to all department employees whether sworn or civilian is recommended.

B. Definitions

"Police Officer Domestic Violence" refers to any reported, founded, and/or prosecuted incident of domestic violence wherein a sworn police officer is the suspected offender. For the purposes of this policy, "domestic violence" refers to any act of violence (threatened or actual) perpetrated by a police officer (on or off duty) or any police department employee upon his or her intimate partner. "Partner" refers to any individual (opposite or same sex) the officer has dated, cohabitated with, married, and/or has a child in common. These definitions may be limited to the definitions in the laws of each state.

While not the focus of this policy, other forms of family violence (for example; child and elder abuse) should be addressed in a parallel manner.

C. Background

IACP/COPS/VAWO Collaboration. The model policy and this concepts and issues paper are the culmination of an effort by the IACP, with the support of the Office of Community Oriented Policing Services (COPS) and the Violence Against Women Office (VAWO). Together, these agencies accomplished a series of tasks to develop the model policy. The IACP designed and developed the project, working closely with advisors and using grant funds from COPS and VAWO to support the completion of project tasks. The underpinning of the project was the strong agreement among IACP, VAWO, and COPS that the problem of police officer domestic violence is of paramount importance and requires a definitive policy response.

Nature and Extent of the Problem. Acts of domestic violence by a police officer against a partner are estimated to be at least as common as acts committed by the general population. Recent limited research indicates the possibility of higher incident rates of domestic violence among law enforcement professionals. The IACP, while concerned with variations in assessed levels, takes the position that the problem exists at some serious level and deserves careful attention regardless of estimated occurrences. Research also indicates that documentation of such incidents by departments varies dramatically, with some incidents reported in great detail, others handled through informal actions, and still others undocumented in any way. Departmental positions on police officer domestic violence also significantly differ: some departments have clear "zero tolerance" positions, other departments have less defined positions, and still others have no articulated position at all. The variations in departmental policies underscore the need for the IACP's model policy initiative.

Policy Development Approach. In order to craft a credible policy that could be reasonably implemented by police agencies nationwide, the IACP brought together for their expert input 1) police leaders, 2) victim advocates, and 3) victims of domestic violence.

To bring these constituencies together, the IACP held four national summits throughout 1997 on "Police Officer Domestic Violence" hosted by: The New York City, New York, Police Department, the Indianapolis/Evansville, Indiana, Police Departments, the Duke University, North Carolina, Police Department, and the Charleston, West Virginia, Police Department. Each summit was also co-hosted by the principal victim advocacy agency(s) in the geographic area where the summits took place.

Each summit expanded upon what was learned at the previous summits and culminated in a final "policy review" summit hosted by the Oakland, California, Police Department in April 1998. This final summit focused on review, reaction, and revision of a draft model policy crafted from information gained from the four prior summits.

The Continuum of Response. The single most compelling and repeated recommendation that emerged from the summits was a call for the development of a comprehensive policy on police officer domestic violence. Participants emphasized a need for the policy to be based upon the principles of community-oriented policing and address the problem of domestic violence in a multifaceted way that reflects a continuum of responses including prevention and intervention.

- Prevention, Education and Training
- Early Warning and Intervention
- Incident Response Protocols
- Victim Safety and Protection
- Post-Incident Administrative and Criminal Case Actions

Within the context of a single model policy, the practical suggestions and guidelines in each phase of the continuum become a seamless policy for departments to implement.

Potential Challenges to the Policy. As departments attempt to set a standard of zero tolerance for domestic violence through implementation of a policy to address past, present, and future incidents of police officer domestic violence, challenges will be launched. Even though departments are directed to observe and adhere to all necessary protocols to ensure that administrative and criminal investigations of an accused officer are conducted such that the officer's departmental and legal rights are upheld, departments may face legal challenges to the policy from individual officers or the unions that represent them. A copy of the legal review IACP conducted on the model policy is available upon request.

On the other hand, the absence of a clearly delineated policy and the training needed for implementation leaves a department at risk for charges of liability if violence occurs.

II. Policy Components

This policy applies to past convictions for domestic violence, as well as existing and future offenses. In the process of adopting this policy of zero tolerance, departments must review the records of all officers to ensure they are free of domestic violence convictions. Federal law prohibits police officers who have been convicted of misdemeanor domestic violence crimes from possessing a firearm.

A. Prevention, Education, and Training

This component of the continuum focuses on prevention and is intended to exist separately from the specific responses to officers evidencing inclination to, or actually committing, domestic violence. A policy of zero tolerance to police officer domestic violence must permeate the entire police agency as it may be the most crucial prevention strategy available. Zero tolerance is accomplished through a comprehensive baseline education and training campaign for all officers and civilians in the department upon implementation of the policy.

1. **Prevention Through Collaboration.** As a means of prevention, departments should establish an ongoing, and lasting, relationship with victim advocates and domestic violence program professionals in their community. These advocates, well-versed in the issues surrounding domestic violence, can serve as essential partners in effective community policing.

In addition to providing confidential counseling services, or referrals to such resources, these community-based agencies often provide advocates to work with victims on-scene and can assist departments with the actual training of officers.

Departments should look to neighboring departments and national law enforcement agencies for information on existing domestic violence curricula that can serve as a guideline for the development of training by the department. Experienced officers from these jurisdictions can train officers.

The policy details specific training/information topics and recommends that departments utilize the expertise of local domestic violence victim advocates to conduct trainings. Departments should work to maintain an ongoing relationship with local domestic violence victim advocacy organizations and coordinating councils. Such collaboration will further the community's understanding of the role police play in stopping domestic violence.

Departments should be prepared to train advocates in the community on police protocols and policies as they relate to domestic violence and law enforcement issues related to enhancing victim safety. The advocate community should receive training on police policies and/or how they can team effectively with police to respond to victim needs. Such training should focus on the respective concerns and needs of both organizations.

2. **Education.** Within the department, many different officers will be called upon to respond to domestic violence. Comprehensive training for officers of all ranks on their responsibilities is critical.

The department must be prepared to make a significant commitment of time to training on all the topics listed in the policy. The optimal time for baseline training is estimated at 40 hours.

All education and prevention initiatives should promote self-awareness. In addition, training on police officer domestic violence should be incorporated into use of force, ethics, evidence, and community policing trainings.

- **Recruit Education.** A recruit's perspective on law enforcement's attitudes and approaches to domestic violence, including police officer domestic violence, is formed early on by what is taught at the police academy. A specific curriculum on this topic must be created and implemented in academies nationwide, reflecting the essential elements of the model policy.
- **Communications Officer/ Dispatcher Education.** Communications officers/ dispatchers usually receive the first call-in information on a police officer domestic violence incident. They must be carefully trained to respond quickly, notify the right individuals, and document the incident for command personnel. Their actions at the 911 juncture are essential to proper police response and victim safety.
- **Field Training Officer Education.** Once academy training is completed, new officers learn their "street smarts" from the FTO. How FTOs are selected and how they present information on both domestic violence and the department's policies are pivotal in helping new officers form positions on the issue. In-depth training of those officers poised to influence future generations of officers is critical to the elimination of domestic violence within the ranks and community. FTOs should receive specific instruction on how to train on domestic violence and victim issues.
- **Administrative Command/ Supervisor Education.** Commanders within a department must agree upon a proper and coordinated response to police officer domestic violence. Their leadership on the issue of domestic violence and the tone they set in the department will determine the success of the policy's

implementation. A training curriculum that details their duties and responsibilities is essential.

3. Training. Adopting a comprehensive training and implementation strategy ensures all department employees have a working knowledge of the dynamics and issues involved in domestic violence. The training, once completed, should be updated and evaluated regularly using roll-call and in-service opportunities as well as other systems for on-going information dissemination.

- In-Service Training. Initial academy and FTO training must be reinforced through ongoing and timely in-service training on the topic. The training should ensure that officers comprehend the complexities of domestic violence in order to be most effective at the scene.

- Roll-Call Training. The most intense and shortest in duration, roll-call training is an extremely effective way to keep a department's domestic violence policies at the forefront. To be innovative and informative, roll-call training should use video, news clips, advocate presentations, or senior/command officer presentations. Roll-call training should be designed to refresh officers on the broader policy information they learned through academy and in-service training initiatives.

- Ongoing Information Dissemination. Formal policies of the department, once adapted from the IACP model policy, should be printed and distributed to all officers and civilians in the department. This information should also become part of the department's written policies and procedures, as well as a core component of the training curriculum at the academy. Other information (new research, advocate program brochures, etc.) should be regularly disseminated to officers whenever such information reinforces the existing policy or provides additional resources to strengthen the policy.

- Program Evaluation. There are a variety of ways to measure the effectiveness of the training being provided. For their own benefit, departments are encouraged to work with internal or external research resources to evaluate the training of officers.

B. Early Warning and Intervention

Of critical concern to departments is how to screen and select new officers and minimize the risk of hiring officers who may engage in domestic violence. To understand the connection between the various forms of family violence, it is essential to investigate whether a recruit has a history or likelihood of engaging in child abuse, domestic violence, or elder abuse. The process of investigating recruits must be handled in two stages: pre-hire screening and investigation, and post-conditional offer of employment.

1. Pre-Hire Screening and Investigation. All candidates should be asked about any history of perpetrating child abuse, domestic violence, or elder abuse, past arrests or convictions for such crimes and whether they have ever been the subject of a civil protective order. If the candidate answers positively to any of these questions or the department uncovers any information in the background check that indicates a history of violence, the candidate should be screened out of the hiring process.

During the background investigation, a check should be made for restraining orders issued in any jurisdiction where the candidate has lived.

2. Post-Conditional Offer of Employment. If the candidate's background investigation does not indicate a history of child abuse, domestic violence, or elder abuse, the department should proceed with a psychological examination, which should include indicators of violent or abusive tendencies and be conducted by an experienced psychologist or psychiatrist.

3. Post-Hire Intervention. Departments must be clear with all officers about the zero tolerance policy and create opportunities to share this information with their families. Departments should look to develop a line of communication directly with the partners of recruits and officers. For example, a department can hold a family orientation day prior to graduation. Family members should be provided with instructions on whom to contact within the department if any problems arise. The dual purpose of establishing such contact is to underscore the department's zero tolerance policy and to provide victims with an avenue for direct

communication with a department employee who is trained in handling such calls.

4. Department Responsibilities. An individual or family member of an officer may recognize early indicators of a police officer's potential violence such as issues of power and control. The power and control may take the forms of restricting contact with family and friends, or requiring the partner to turn over his/her paycheck, or limiting activities outside the home. Victims may communicate their concerns "informally" at first, such as calls to an officer's supervisor. These informal contacts must be treated with care, since this is a critical opportunity for a department to provide intervention utilizing early intervention/prevention strategies. The model policy calls for a formal system of documenting, sharing and responding to information from concerned partners and family members.

Departments need to provide officers and their families with non-punitive avenues of support and assistance before an incident of domestic violence occurs. Departments must establish procedures for making confidential referrals to internal or external counseling services with expertise in domestic violence. These referrals can be made upon the request of an officer or family members, or in response to observed warning signs.

An officer will not be entitled to confidentiality anytime he/she or a family member discloses to any member of the department that the officer has engaged in domestic violence. Confidentiality should be extended to partners or family members who report an officer as a matter of safety. A report of such criminal conduct must be treated as an admission/report of a crime and investigated both criminally and administratively.

Departments must understand that other officers may become involved in an officer's domestic violence situation by engaging in inappropriate activities that serve to interfere with cases against fellow officers, such as stalking, intimidation, harassment or surveillance of victims, witnesses, and/or family members of victims or witnesses. If this occurs, these officers must be investigated and sanctioned and/or charged criminally where appropriate.

5. Supervisor Responsibilities. Typically, an abusive person engages in a pattern of behavior: repeated actions of increasing control directed at his/her partner preceding an incident of physical/criminal violence. The early indicators of potential violence are not limited to home life and the department may detect warning signs in an officer's behavior prior to a domestic violence incident. Supervisors must receive specific training on warning signs and potential indicators of violent or controlling tendencies. Warning signs that may indicate a likelihood of violent behavior include increased use of force in arrest situations, drug/alcohol problems, frequent tardiness or absences, verbal disputes, physical altercations, and other aggressive behavior.

As a supervisor becomes aware of a pattern of controlling or abusive behavior exhibited by an officer, the supervisor is to document the information and notify his/her immediate ranking supervisor, who will inform the chief in accordance with the department's chain of command. The officer's supervisor should, after making proper notification, inform the officer that the behaviors have been documented. A recommendation can be made to the officer that he/she participate voluntarily in a counseling/support program to address the identified issue or behavior.

In cases where behavior violates departmental policy, a department can seize the opportunity to mandate participation in a batterer intervention program in addition to any appropriate sanctions. Early prevention/intervention strategies employed by a department at this phase of the continuum have tremendous potential not only to reduce future violence, but also to save victim lives and officer careers.

The range of services that can be made available includes the following:

- Employee assistance program referral
- Internal professional counseling (police psychologist)
- External professional counseling (contract/referral)
- Advocacy support from local agencies

- Peer support program (with clear reporting and confidentiality guidelines)

The department will need to ensure that the quality and expertise of these resources are sound. Collaboration with local domestic violence victim advocacy organizations is recommended.

6. Police Officer Responsibilities. As part of the department's zero tolerance policy, all officers need to understand their responsibility to report definitive knowledge they have concerning domestic violence on the part of an officer. Departments must be prepared to investigate and possibly sanction and/or charge criminally any officer who fails to report such knowledge or cooperate with an investigation.

In addition, all officers need to know that they will be investigated and sanctioned and/or charged criminally if they engage in activities such as stalking, surveillance, intimidation, or harassment of victims or witnesses in an attempt to interfere with investigations of other officers accused of domestic violence.

In the event that an officer is the subject of a criminal investigation and/or a protective or restraining order, the officer is responsible for informing his/her supervisor and providing copies of the order and timely notice of court dates, regardless of the jurisdiction.

C. Incident Response Protocols

A department's response to 911 calls involving police officer domestic violence immediately sets the tone for how a situation will be handled throughout the remainder of the continuum. Further, the unique dynamics between the offending and responding officers (for example, collegiality and rank differential) often make on-scene decisions extremely difficult.

1. Department-Wide Response. A department must take the following actions, all of which are critical steps prescribed in the model policy.

2. Communications Officer/ Dispatcher Documentation. When a call or report of domestic violence involves a police officer, the dispatcher should have a standing directive to document the call and immediately notify both the on-duty patrol supervisor and the chief of police. This directive ensures that key command personnel receive the information and prevents the call from being handled informally.

3. Patrol Response. Any officer arriving at the scene of a domestic violence call/incident involving a police officer must immediately request the presence of a supervisor from the responding department on the scene regardless of the involved officer's jurisdiction.

4. On-Scene Supervisor Response. The on-scene supervisor has responsibilities for the following:

- Securing the scene and collecting evidence
- Ensuring an arrest is made where probable cause exists
- Removing weapons in the event of an arrest
- Considering victim safety
- Notifying chief in accused officer's jurisdiction

The on-duty supervisor must respond to the call and assume all on-scene decision making. Leaving call response to officers of lesser or equal rank to the suspect officer puts the responding officer in a difficult situation. The presence of a ranking officer on the scene resolves this problem. The policy recommends that in police officer domestic violence cases no fewer than two officers, with at least one of senior rank to the accused officer, be present. This is also the case when serving arrest warrants and civil protective orders.

- Crime Scene Documentation. Recanting or reluctant witnesses and victims are not uncommon when domestic violence occurs. Police on the scene of a 911 call must take specific actions to document all evidence, including color photographs/videotape of injuries, overturned/damaged furniture, interviews of neighbors and family members, and documentation of threats from the officer. Documentation of this evidence will be essential to the successful prosecution of the case with or without the victim's presence in court.

- **Arrest Decisions.** Policies on arrest for domestic violence incidents vary among state, county, and local jurisdictions. In all cases, responding officers should base arrest decisions on probable cause. When a crime has been committed, an arrest shall be made, as in all other cases. The on-scene supervisor is responsible for determining whether probable cause exists ensuring an arrest is made if probable cause exists, or submitting written documentation to explain why an arrest was not made. All officers need sufficient training to enable them to determine which party is the primary (i.e., dominant) aggressor in domestic violence situations. Every effort should be made to determine who is the primary aggressor in order to avoid unwarranted arrest of victims.

Arrest warrants charging officers with domestic assault and civil protective orders issued at a later time should be served by no fewer than two officers with at least one officer being of senior rank to the officer being served.

- **Weapon Removal.** If an arrest is made, the on-scene supervisor shall relieve the accused officer of his/her service weapon. Some police officers may have several weapons at their home. Where multiple weapons are present, removing only the service weapon of the officer leaves the victim entirely vulnerable to further violence. While federal, state, and local laws vary on how and when such weapons can be removed, police have broad powers to remove weapons in certain circumstances, particularly if an arrest is being made.

Where application of law is questionable, the on-scene supervisor should suggest that the officer in question voluntarily relinquish all firearms. The supervisor can also simply ask the victim if he/she wants to remove any weapons from the home for safekeeping by the department.

In situations where no arrest has been made, the on-scene supervisor should consider removing the accused officer's weapon as a safety consideration.

After weapons are removed, decisions will need to be made about how long they will or can be held. Where court orders of protection are in place, these orders may also affect decisions on gun removal/seizure.

5. Additional Critical Considerations. When the accused officer is the chief/ director/ superintendent of the department, a specific protocol must be in place to document and report the incident to the individual who has direct oversight for the chief/director/ superintendent position.

When police respond to a domestic violence incident involving an officer from another jurisdiction, all responding officers, investigators, and supervisors shall follow the same procedures to be followed if responding to a domestic violence complaint involving an officer from their own department. The on-scene supervisor shall notify the chief of police from the accused officer's department verbally as soon as possible and in writing within 24 hours of the call.

Departments may be faced with domestic violence situations where the victim is a police officer. If this occurs, standard domestic violence response and investigation procedures should be followed. The department should take steps to protect the privacy of the officer and make referrals to confidential counseling services. The department should not allow the reported incident to impact negatively upon the assignments and evaluation of the victimized officer.

If both the victim and offender in a domestic violence situation are police officers, the protocols established by the department should remain substantially the same. Safety of the victim should be the paramount concern. In the event that an order of protection has been issued, a department will need to make careful decisions concerning work assignments for accused officers pending administrative and criminal investigations. Gun removal in this situation becomes extremely complex. In the development of the policy, individual departments should seek legal guidance to ensure the rights of all concerned are protected.

6. Department Follow Up. The department or supervisor should require a debriefing of all officers involved in a response to the scene of a police officer domestic violence case and may include communications officers. At the debriefing, the department's confidentiality guidelines should be reviewed. In addition, a command-level critical incident management review of every domestic violence case involving an officer

should be conducted.

The department must take responsibility for conducting an assessment to determine the potential for further violence on the part of the accused officer. A specifically trained member of the command staff should review a checklist of risk factors with the accused officer. In addition, the evaluation should be supplemented by interviews with the victim, witnesses, and family members. Information gained from the assessment should be used to determine appropriate sanctions, safeguards, and referrals. The command officer assigned as the victim's principal contact should discuss the risk factors with the victim as part of safety planning.

D. Victim Safety and Protection

IACP efforts within this project have clearly identified victims of police officers as some of the most vulnerable victims of any crime. They face formidable obstacles when seeking police assistance in breaking free from the violence. A police officer is usually well known to other members of the justice system and often well respected in justice and law enforcement circles. Victims in these circumstances feel powerless and often fear that justice will not be realized if they bring charges against an officer. To respond to victims effectively, the department must ensure that an array of resources is made available to the victim.

1. The victim is offered the support of available advocacy/counseling resources. The presence of a domestic violence victim advocate can help the victim increase his or her safety. While at the scene, the supervisor is to ensure that the victim receives written information about community resources and local domestic violence organizations.
2. Victim safety is a priority. The command officer serving as the victim's principal contact must create a safety plan with the victim and discuss stalking. Information learned through the risk assessment should be incorporated into the development of a safety plan created by the victim and officer together or with the assistance of an experienced domestic violence victim advocate. Both the safety planning and lethality assessment tools are critical for alerting the department and victim to the potential for additional violence and for developing prevention strategies. Departments must recognize that the threat of the loss of his/her job coupled with the loss of control over his/her partner may cause a batterer to take extreme action such as abducting the victim, taking hostages, and committing homicide or suicide.
3. Confidentiality for victims is a matter of safety. The whereabouts of a victim and any communication with victims must be kept confidential. During the post-incident debriefing of the responding officers, it must be emphasized that information be shared only on a need-to-know basis. The command officer assigned to the victim must inform victims of department confidentiality policies and their limitations.
4. The victim is informed about all applicable policies and laws. Informing the victim of his/her rights and the procedures for obtaining a restraining order or civil protective order is the responsibility of the on-scene supervisor. Providing information on the laws, particularly orders of protection, in a timely manner will enable victims to make informed decisions.
5. The victim has a direct link to a command officer in the department for case information. Promptly following the report of the incident, the department shall assign a command officer as the victim's principal contact for case information. This information link is essential to maintain victim safety and confidence in the system. The victim must be informed about all aspects of departmental protocols and policies and applicable laws to ensure that he/she takes advantage of all opportunities for safety and appropriate prosecution.

E. Post-Incident Administrative and Criminal Decisions

Once an arrest has been effected or an incident has otherwise been documented, careful attention must be devoted to the proper handling of the police officer incident. The department should conduct two separate but parallel investigations. The administrative investigation, to be conducted by the Internal Affairs Division of the department, and the criminal investigation, to be handled by the department's domestic violence unit, should be kept completely separate. If a department does not have an internal affairs or domestic violence unit, the investigator should be appointed by the chief. Simultaneous investigation will

bring about a complex situation, but is critical to a zero tolerance policy. In order to ensure that an accused officer's departmental and legal rights are upheld during the administrative and criminal investigations, the department must seek legal guidance.

1. Administrative Investigations and Decisions. In cases where an arrest was not made, but sufficient concern exists, the department should conduct an independent administrative investigation. Regardless of whether an arrest was made, the administrative investigation should be handled by an investigator in the Internal Affairs Division of the department. The investigating officer appointed must have experience to conduct an exhaustive analysis, authority to make decisions regarding arrest, and access to all pertinent information that may relate to the case.

At this juncture, a department must exercise its authority to make sanctioning and assignment decisions regarding the officer in question. Decisions about possible administrative actions should be made in a timely manner and should not be contingent on anticipated outcomes of the criminal proceedings. These decisions are pivotal to victim and/or community safety, as well as the well-being of the officer.

Administrative action including suspension with or without pay, reassignment, or termination should be considered based upon factors such as the outcome of the lethality assessment of the officer, previous written or verbal threats, and history of the officer's compliance with department rules.

When an investigation of an incident uncovers that other officers had definitive knowledge of an incident or an officer's intent prior to an incident and they failed to notify the department, those officers should be investigated and sanctioned.

If an arrest was not made at the scene and if all weapons were not removed at the scene, they can be removed at this point. After weapons are removed, decisions will need to be made about how long they will or can be held. Where court orders of protection are in place, these orders may also affect decisions on gun removal/seizure.

2. Criminal Investigations and Decisions. An investigator within the department's domestic violence unit should be appointed by the chief to conduct the criminal investigation. If a department does not have a domestic violence unit, the investigation should be handled by the criminal investigations unit or the detective division.

A thorough criminal investigation should be conducted and the case prepared for presentation to the prosecuting attorney. Where an arrest is made, successful prosecution requires close collaboration between the police and the prosecutorial agencies involved. The department should establish a liaison who will work with the prosecuting attorney's office on each case to support the department's interest in having the case processed in a timely manner.

Where the victim recants previous testimony or chooses not to pursue the case, the prosecutor may determine that the case should proceed with the state as the complainant (where applicable laws allow) based on the quality of evidence. In these cases, the role the police play in gathering evidence and investigating the charges will be critical for successful prosecution.

If an arrest was made, then all information pertaining to the incident and all necessary charging paperwork must be forwarded immediately to the prosecutor's office. The quality and quantity of information transferred will be substantial, including documentation of early calls to the agency, information on related officer behavior concerns, communications officer/ dispatcher documents, on-scene damage/injury photos, etc.

Any subsequent incidents reported by the victim or any additional criminal activity, which might involve fellow officers engaging in surveillance or intimidation for example, should be documented in separate incident reports, assigned a case number, and investigated thoroughly.

3. Criminal Conviction. A plea of nolo contendere by an accused officer does not restrict the department from the full range of administrative sanctions if an officer has violated department policies.

If an officer is found guilty of domestic violence through the administrative investigation, the officer's police powers must be revoked.

In the event of a conviction for a domestic violence crime, a police officer is no longer eligible to possess or purchase a firearm under federal law and shall have his/her police powers revoked.

Every effort has been made by the IACP Research Center and the Police Response to Violence Against Women Advisory Group to ensure that this model policy incorporates the most current information and contemporary professional judgment on the issue. However, law enforcement administrators should be cautioned that no "model" policy can meet the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of federal court rulings, state laws, local ordinances, regulations, judicial and administrative decisions and collective bargaining agreements need to be considered.

This project was supported by Grant No.97-WT-VX-KOO3 awarded by the Violence Against Women Office, Office of Justice Programs and Office of Community Oriented Policing Services, U.S. Department of Justice. The Assistant Attorney General, Office of Justice Programs, coordinates the activities of the following offices and bureaus: the Bureau of Justice Assistance, the Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, the Office of Victims of Crime, and the Violence Against Women Office. Points of view or opinions in this document are those of the author and do not represent official position or policies of the United States Department of Justice.

Published Materials, Websites, and Law Enforcement Contact Information

DOMESTIC VIOLENCE LAW ENFORCEMENT HANDBOOK

RESOURCES

Summary of Articles and Other Published Materials

1. *Stephen F. Curran, Ph.D.* (year unk.), **Assessing Predictions of Domestic Violence: The Preemployment Psychological Evaluation**. In Donald C. Sheehan (Ed.) Domestic Violence by Police Officers (pp. 141-148). Behavioral Science Unit, FBI Academy, Quantico, VA. Washington D.C.: U.S. Dept. of Justice; U.S. Gov. Printing Office (2000).

This article focuses on the use of psychological evaluations as a means of predicting future violence by police officers. It includes a discussion of the issues surrounding the prediction of potential violent behavior, including specificity and sensitivity. The article also includes guidelines from the IACP Preemployment Psychological Evaluation Services. For more information, contact:

Stephen F. Curran, Ph.D
29 W. Susquehanna Avenue, Suite 704
Towson, MD 21204
410.667.1950
Email: greenpsych@aol.com

2. *Sandra S. Stone, Ph.D* (year unk.), **Barriers to Safety for Victims of Police Domestic Violence**. In Donald C. Sheehan (Ed.) Domestic Violence by Police Officers (pp. 331-341). Behavioral Science Unit, FBI Academy, Quantico, VA. Washington D.C.: U.S. Dept. of Justice; U.S. Gov. Printing Office (2000).

This article explores the various types of barriers to victim safety that arise when dealing with police officer domestic violence. These barriers include barriers by the victim and barriers by the police. This is an in-depth look at the issues facing victims of police-officer domestic violence. For more information, contact:

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128 Pafford Bldg.
State University of West Georgia
Carrollton, GA 30118
770.836.4586
Email: sstone@westga.edu

3. **James S. Herndon, Ph.D** (year unk.), **Components of an Early-Warning System for Detecting Violence Potential in Law Enforcement Officers**. In Donald C. Sheehan (Ed.) Domestic Violence by Police Officers (pp. 181-188). Behavioral Science Unit, FBI Academy, Quantico, VA. Washington D.C.: U.S. Dept. of Justice; U.S. Gov. Printing Office (2000).

This article discusses the importance of early detection relating to the possible future violence potential among police officers. The article examines the tools used by the Orange County (Florida) Sheriff's Office to help them evaluate their officers. Such tools include computerize tracking systems; pre-employment assessment (i.e., background investigation, psychological testing process); performance appraisal and management; grievance procedures and discipline; and a citizen review board. For more information, contact:

James S. Herndon, Ph.D. Ed.D
1332 Eastin Avenue
Orlando, FL 32804
Email: DrJHerndon@aol.com

4. **Domestic Violence: Best Practices for Law Enforcement Response**, A Model Policy Manual Prepared Under the Violence Against Women Act, *North Carolina Governor's Crime Commission*, Revised May 1999.

This is a partial copy of the North Carolina Model Policy on Domestic Violence. It includes the Table of Contents, the introduction, and the excerpt (Part XII) that covers Officer-Involved Domestic Violence. For more information, contact:

Governor's Crime Commission
1201 Front Street, Suite 200
Raleigh, NC 27609
919.733.4564
barry.bryant@ncmail.net
ron.woosley@ncmail.net

Obtain an electronic version of the Model Policy from the Governor's Crime Commission web site: <http://www.gcc.state.nc.us>

5. *Daniel W. Clark, Ph.D (year unk.), Domestic Violence Committed by Law Enforcement: A Curriculum Proposal.* In Donald C. Sheehan (Ed.) Domestic Violence by Police Officers (pp. 133-140). Behavioral Science Unit, FBI Academy, Quantico, VA. Washington D.C.: U.S. Dept. of Justice; U.S. Gov. Printing Office (2000).

This article covers the content of a proposed training curriculum for law enforcement officers in the area of domestic violence, both external and internal. The proposed curriculum covers the intent of the program; training options, resources, and issues; legal issues; potential causes; early identification, prevention, and intervention; response options; and ethical considerations. The curriculum does not include specific courses, only general areas of instruction. For more information, contact:

Daniel W. Clark, Ph.D
1405 Harrison Avenue NW, Suite 205
Olympia, WA 98540-2600

6. *Pence E, & Lizdas K, The Duluth Safety and Accountability Audit: A Guide to Assessing Institutional Responses to Domestic Violence*, MPDI (1998).

This Manual outlines a method for increasing your agency or group of agencies' effectiveness in protecting victims of domestic violence. The audit systematically assesses how well your collective procedures provide safety to victims of domestic violence and how well they require accountability from the perpetrators.

Praxis International
5402 North Shore Drive
Duluth, MN 55804
(218)525-0487
ruralta@praxisinternational.org

7. *Theodore H. Blau, Ph.D, John T. Super, and Charles B. Wells (year unk.), Family Violence and the Law Enforcement Officer.* In Donald C. Sheehan (Ed.) Domestic Violence by Police Officers (pp. 75-87). Behavioral Science Unit, FBI Academy, Quantico, VA. Washington D.C.: U.S. Dept. of Justice; U.S. Gov. Printing Office (2000).

This article covers the program of education, prevention, and intervention put into place by the Manatee County (Florida) Sheriff's Office for dealing with domestic violence by their officers. This program uses self-awareness and self-knowledge as tools for prevention and intervention. The training consists of two-hour blocks on a variety of issues and topics. The officer has pretest and post-test evaluations and receives feedback as to their success in accomplishing the objectives of the

program. The article also includes a partial index of the training curriculum and samples of the tests included in the training. For more information, contact:

Theodore H. Blau, Ph.D, Chief Inspector
Manatee County Sheriff's Office
515 – 11th Street West
Bradenton, FL 34205-7727
941.747.3011

8. *Diane Wetendorf* (year unk.), **The Impact of Police-Perpetrated Domestic Violence**. In Donald C. Sheehan (Ed.) Domestic Violence by Police Officers (pp. 375-382). Behavioral Science Unit, FBI Academy, Quantico, VA. Washington D.C.: U.S. Dept. of Justice; U.S. Gov. Printing Office (2000).

This article examines the dynamics of police-perpetrated domestic violence and how it impacts the victim, the department, and the community. It explores how an officer's training can contribute to his techniques and tactics of abuse. The article also covers the unique dilemma encountered by victims of police officer abuse. For more information, contact:

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Obtain an electronic version of this article here:
http://www.dwetendorf.com/Article_FBI.htm

9. **The Misuse of Police Powers in Officer Involved Domestic Violence**, *Diane Wetendorf and Dottie L. Davis* (2003).

This article focuses on the ways in which a police officer can (and will) abuse the power that comes with his badge in instances of domestic violence against his own spouse, partner, etc. It draws the parallels between the professional aspects of police work and how those can be misused in their personal lives. The article is very specific in its comparisons. For more information, contact:

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1915 West 18th Street
Indianapolis, IN 46202
317.917.3685
800.538.3393
icad@violenceresource.org

Diane Wetendorf
Diane Wetendorf, Inc.
119 S. Emerson Street #241
Mount Prospect, IL 60056
847.749.2560
Dwetendorf@dewetendorf.com
Obtain an electronic version of this article here:
<http://www.dwetendorf.com/Misuse%20of%20Police%20Powers.pdf>

10. *Audrey L. Honig, Ph.D and Steven E. Sultan (year unk.), Peace Officer Family Violence Prevention and Recovery Project.* In Donald C. Sheehan (Ed.) Domestic Violence by Police Officers (pp. 189-195). Behavioral Science Unit, FBI Academy, Quantico, VA. Washington D.C.: U.S. Dept. of Justice; U.S. Gov. Printing Office (2000).

This article discusses how the Los Angeles County Sheriff's Office committed itself to developing a comprehensive program to deal with domestic violence within their ranks. The article addresses the dual problems of violence in peace officer families and the handling of family violence calls in the community. The article discusses components of a comprehensive program to deal with the dual issues. For more information, contact:

Audrey L. Honig, Ph.D
Employee Support Services
Los Angeles County Sheriff's Department
4700 Ramona Blvd.
Monterey Park, CA 91754
Email: alhonig@lasd.org

11. **Police Family Violence Fact Sheet**, *National Center for Women and Policing* (year unk.)

This article briefly talks about the results of research and the poor track record by various law enforcement agencies when dealing with the issue of officer-involved domestic violence. For more information, contact:

National Center for Women and Policing and Feminist Majority Foundation
323.651.2532

A copy of the article is found here: www.womenandpolicing.org

12. *Nancy K. Bohl, Ph.D* (year unk.), **Preventing Domestic Violence**, In Donald C. Sheehan (Ed.) Domestic Violence by Police Officers (pp. 89-97). Behavioral Science Unit, FBI Academy, Quantico, VA. Washington D.C.: U.S. Dept. of Justice; U.S. Gov. Printing Office (2000).

This article deals with ways to prevent domestic violence among police officers. It covers some of the potential risk factors to look for in police officers and how to change the way officers are hired in order to help screen for potential domestic violence tendencies. The article also lists some of the unresolved issues surrounding officer-involved domestic violence, such as ensuring the woman's safety, the buddy issue, and confidentiality. For more information, contact:

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The Counseling Team
1881 Business Center Drive, Suite 11
San Bernardino, CA 92408
909.884.0133
800.222.9691
www.thecounselingteam.com

13. **Rising to the Challenge: Preventing Police Officer Domestic Violence**, *Sandy Prabhu and Nancy Turner*, IACP Staff on The Police Response to Violence Against Women Project (Published in "The Police Chief" November 2000)

This article discusses development and content of the International Association of Chiefs of Police (IACP) Model Policy on Police Officer Domestic Violence. In 1997, a jointly funded advisory group was formed to look at the issue of officer-involved domestic violence. From those meetings, the IACP released its Model Policy. The model policy includes sections on:

- Prevention, Education, and Training;
- Early Warning and Intervention;
- Incident Response Protocol;
- Victim Safety; and
- Post-Incident Administrative and Criminal Decisions

A copy of the Model Policy can be found at www.theiacp.org or contact:

Nancy Turner, Project Coordinator
Police Response to Violence Against Women
International Association of Chiefs of Police
515 N. Washington Street
Alexandria, VA 22314
800.The-IACP ext. 216 (800.843.4227)
or turnern@theiacp.org.

14. *Michael A. Campion, Ph.D (year unk.), Small Police Departments and Police Officer-Involved Domestic Violence: A Survey.* In Donald C. Sheehan (Ed.) *Domestic Violence by Police Officers* (pp. 123-131). Behavioral Science Unit, FBI Academy, Quantico, VA. Washington D.C.: U.S. Dept. of Justice; U.S. Gov. Printing Office (2000).

This article attempts to compare the incidents of domestic violence in large versus small (less than 25) police departments by publishing surveys results from 50 small departments. The article concludes that there isn't much difference in the percentages of domestic violence incidents between large and small departments, but admits that the results could be skewed for a variety of reasons, mainly lack of definition of what constitutes domestic violence. The article also makes some recommendations on how to gather more accurate statistical information on domestic violence from both large and small departments. For more information, contact:

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2110 Clearlake Blvd.
Champaign, IL 61822
217.356.9922
800.292.3399
Email: mcampion@campionbarrow.com

15. **Stopping the Violence: The Role of the Police Officer and the Prosecutor,** *Casey G. Gwinn, J.D. and Sgt. Anne O'Dell.*

This article describes how one jurisdiction, San Diego County, set out to make substantial changes in the way they responded to, investigated, and prosecuted domestic violence cases. It is a candid and honest reflection of what worked and what didn't in establishing and maintaining one of the best domestic violence programs in the country. The article emphasizes the importance of establishing and coordinating community resources. For more information contact:

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Summary of Websites

1. *Abuse of Power*, www.dwetendorf.com
This site contains information by and for survivors of police and firefighter domestic violence. Their goals are to break the isolation, confront the system, and educate all those who feel the impact of this crime.
2. *LifeSpan*, www.life-span.org
A not-for-profit agency that provides comprehensive services to victims of domestic violence. Services include violence counseling, legal representation, criminal court advocacy, immigration services, hospital advocacy, public education, and system policy work.
3. *The National Center for Women and Policing*, www.feminist.org/welcome/police1
A project of the Feminist Majority Foundation, a national organization working for women's equality, empowerment, and non-violence.
4. *Washington State Coalition Against Domestic Violence*, www.wscadv.org
A non-profit, state-wide network of 64 member programs that serve victims of domestic violence. WSCADV is committed to ending domestic violence through advocacy and action for social change.

Law Enforcement Agency Contact Information

1. **Chicago Police Department**
Jan Russell, Director
Domestic Violence Advocacy Program
312.742.5290
www.ci.chi.il.us/police

2. **Clark County Sheriff's Office**
Bill Roberts, Detective
Child Recovery & Domestic Violence
Clark County Sheriff's Office
900 W. 13th Street
Vancouver, WA 98660-2711
360.397.2108
<http://www.co.clark.wa.us/SHERIFF/INTER/INDEX.HTM>

3. **Dept. of Criminal Justice**
Professor Neil Websdale
National Domestic Violence **Fatality Review** Initiative
Social & Behavioral Sciences (Bldg. 65)
Northern Arizona University
Flagstaff, AZ 86011
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neil.websdale@nau.edu

4. **Los Angeles Police Department**
Chief William J. Bratton
150 N. Los Angeles Blvd.
Los Angeles, CA 90012
213.485.3202
www.lapdonline.org

5. **San Diego County**
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BIOGRAPHIES

DOMESTIC VIOLENCE LAW ENFORCEMENT HANDBOOK

Biographical Information

Davis, Dottie – Dottie L. Davis, AAS, is a 21 year veteran of the Fort Wayne Police Department. She currently serves as the Director of Training at the Fort Wayne Police Training Center. Since 1992, she has instructed throughout the country, in areas such as family violence, women in policing, ethics, and police-officer involved domestic violence. Ms. Davis was the 1998 recipient of the ICADV Law Enforcement Officer of the Year Award. She is the Chair of the Mayor's Commission on Domestic Violence, Sexual Harassment, and Rape in Fort Wayne, Indiana, and a Board Member of Park Center, Inc.. She is married to Officer Daniel Nigro and has one daughter, Mamie. Ms. Davis is the President of Davis Corporate Training, Inc., a private consulting agency.

O'Dell, Anne – Anne is a 20 year veteran of the San Diego Police Department. She functioned as the first Domestic Violence Coordinator from 1990 to 1992. During this time, the domestic violence training she devised and implemented for the department produced increased awareness by police officers coupled with greater confidence by the public, which resulted in a 60% increase in the number of police reports. By August 1992, the obvious success of the training led to the creation of a specialized Domestic Violence Investigations Unit. These innovative efforts have resulted in a 59% decrease in domestic violence homicides in the last three years. She has trained and spoken across the country on this issue, as well as served on the faculty of the National College of District Attorneys and the National Council of Juvenile and Family Court Judges. Anne has consulted as a "Law Enforcement Domestic Violence Expert" for many organizations including ABC News on the "Simpson" case.

Roberts, Bill – After serving in the U.S. Army for three years as an MP sergeant, Mr. Roberts joined the Houston Police Department. For the next 22 years, he worked in a variety of positions, primarily as an investigative sergeant. Upon retiring, the Clark County Sheriff's Office hired him. Very quickly, he recognized that the victims of domestic violence were not supported by a holistic system. Through the establishment of collaborative relationships with community service organizations and with the support of the Clark County Sheriff's Office, the first domestic violence unit with a dedicated detective and community service domestic violence advocate was launched six years ago. One product of the Domestic Violence Intervention Unit (DVIU) was the development and implementation of the two-part (generic investigation and law enforcement involved) Domestic Violence Policy. Mr. Roberts' education is in Criminal Justice and Psychology (Family Studies).

Russell, Jan – From 1992 until 1994, Jan Russell consulted with the Chicago Police Department to develop the nation's first response to the issue of officer-involved domestic violence. In 1994, she started the first in-house program to assist victims of domestic violence who are abused by members of the department. This program is still the only one of its kind. Jan is a long-time domestic violence advocate and attorney with extensive training and consulting experience. She has presented on officer-involved domestic violence for the International Association of Chiefs of Police, the National Coalition Against Domestic Violence, the Illinois State Police, the North Central Texas Regional Training Academy, and the American Psychological Association's Section on Police and Public Safety.

Turner, Nancy – Nancy Turner is the Police Response to Violence Against Women Project Coordinator for the International Association of Chiefs of Police where, since 1998, her work has focused on the issues of police officers who commit domestic violence and full faith and credit for orders of protection. She has been a victim advocate and activist on issues of violence against women for the last 16 years. She began her commitment as a volunteer and has worked with survivors in a variety of capacities including hotline counselor, court advocate, and support group facilitator. Nancy spent five years in the early '90s as a congressional lobbyist for the National Coalition Against Domestic Violence working for passage of the Violence Against Women Act. Prior to the IACP, Nancy worked for a battered women's shelter in Arlington, Virginia where she initiated and directed a transitional housing program. Nancy also serves as a member of The George Washington University faculty in the Women's Studies program where she has been teaching since 1990. In 2001, she was awarded the Ruth Osborne Award by The George Washington University for making policy in the interests of women. The Virginians Against Domestic Violence gave Nancy the Social Justice Peace Award in 2000. As a volunteer, she sits on the city of Alexandria's Community Services Board and the city's Commission on AIDS. Nancy earned her B.S. from the University of Connecticut in 1986 and M.A. in public policy and women's studies from The George Washington University.

Wetendorf, Diane – Diane Wetendorf has worked with victims of domestic violence since 1985. She was one of the first domestic violence advocates who recognized the strong connection between police training and the tactics of abuse used by officers who are abusive in their intimate relationships. As director of counseling for Life Span, a domestic violence agency in Des Plaines, Illinois, Ms. Wetendorf created a groundbreaking program in 1997 to provide specialized counseling, advocacy, and legal services to victims whose abusers are police officers. The project was supported by a grant from the Illinois Criminal Justice Information Authority. Ms. Wetendorf's work on behalf of victims of police officers and her expertise in this new field have been nationally recognized. She has spoken at many conferences about violence in the police family across the country, including the National Center for Women and Policing, the International Association of Chiefs of Police, the F.B.I. Academy, and the John Jay College of Criminal Justice.